



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**CAUGHT IN THE MIDDLE AT THE U.S.-CANADIAN  
BORDER**

by

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March 2013

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**CAUGHT IN THE MIDDLE AT THE U.S.-CANADIAN BORDER**

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Submitted in partial fulfillment of the  
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## **ABSTRACT**

The U.S.-Canada relationship encompasses strong partnership and economic interdependence; however, policy conflicts are prevalent throughout its history. Acute events—for example, the September 11, 2001, terror attacks—exacerbate the conflict, while raising the stakes of disunity between these two long-standing allies. Opposing policy priorities also undermine and interfere with their relationship. American policymakers have a security-first mindset while Canadians are primarily focused on efficient cross-border trade. Caught in the middle are the Great Lakes regional states that must straddle this policy divide.

This thesis addresses the policy imbalance between the United States and Canada and considers how this dynamic affects both countries and the Great Lakes regional states through historical and contemporary lenses. In addition, a potentially disastrous but plausible future scenario addresses the detrimental consequences of maintaining the status quo in Washington and Ottawa. This analysis draws on numerous scholarly works and a variety of governmental reports, hearings, and strategies. The examination then turns to federal, state, and local border concerns, as well as institutional capabilities for comparison. Finally, policy recommendations focus each of the primary border players in the Great Lakes region on balancing their various economic and security interests along the shared border.

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## TABLE OF CONTENTS

<b>I.</b>	<b>U.S.-CANADA BORDER SECURITY IN THE GREAT LAKES REGION: AN IMBALANCE THAT MATTERS.....</b>	<b>1</b>
<b>A.</b>	<b>IMPORTANCE.....</b>	<b>2</b>
<b>B.</b>	<b>PROBLEMS AND HYPOTHESES .....</b>	<b>4</b>
<b>C.</b>	<b>LITERATURE REVIEW .....</b>	<b>5</b>
	<b>1. U.S. Border Security Perspective and Policies .....</b>	<b>6</b>
	<i>a. U.S. Unilateralist Security Approach .....</i>	<i>7</i>
	<i>b. U.S. Border Security Application .....</i>	<i>8</i>
	<i>c. U.S. Border Security Opposition .....</i>	<i>9</i>
	<i>d. U.S. Northern Border Security Ramifications.....</i>	<i>10</i>
	<i>e. Recent Related Theses .....</i>	<i>11</i>
	<b>2. Canadian Border Security Perspective .....</b>	<b>12</b>
	<i>a. Canada Fears Too Much Security .....</i>	<i>12</i>
	<i>b. Canadian Policy: Continentalist vs. Internationalist .....</i>	<i>13</i>
	<i>c. Canadian Security: Realists, Liberals, and Constructivists ..</i>	<i>14</i>
	<i>d. Canadian Maritime Security .....</i>	<i>15</i>
	<b>3. Filling in the Gaps.....</b>	<b>16</b>
<b>D.</b>	<b>THESIS OVERVIEW .....</b>	<b>17</b>
<b>II.</b>	<b>U.S.-CANADIAN BORDER HISTORY.....</b>	<b>19</b>
<b>A.</b>	<b>A PERIOD OF DISCORD .....</b>	<b>19</b>
	<b>1. The War of 1812.....</b>	<b>19</b>
	<b>2. Convention of 1818 .....</b>	<b>21</b>
	<b>3. 1837: <i>Caroline</i> Case.....</b>	<b>22</b>
	<b>4. 1880–1946: U.S. Immigration and Naturalization Service and Border Patrol.....</b>	<b>23</b>
<b>B.</b>	<b>A PERIOD OF GOOD NEIGHBORS .....</b>	<b>25</b>
	<b>1. 1947: General Agreement on Tariffs and Trade.....</b>	<b>25</b>
	<b>2. 1949: North Atlantic Treaty Organization .....</b>	<b>26</b>
	<b>3. 1951: North American Aerospace Defense Command .....</b>	<b>27</b>
<b>C.</b>	<b>COMPETING VIEWS OF BORDER RESTRICTIONS .....</b>	<b>28</b>
	<b>1. 1950s–1989: Tentative Economic Integration .....</b>	<b>29</b>
	<b>2. 1989: Canada-United States Free Trade Agreement.....</b>	<b>30</b>
	<b>3. 1994: North American Free Trade Agreement .....</b>	<b>31</b>
<b>D.</b>	<b>THE BORDER, FRONT AND CENTER.....</b>	<b>32</b>
	<b>1. 1995: Shared Border Accord .....</b>	<b>32</b>
	<b>2. 1996: Illegal Immigration Reform and Immigrant Responsibility Act .....</b>	<b>33</b>
	<b>3. 1997: Border Vision Initiative and Cross-Border Crime Forum ..</b>	<b>33</b>
	<b>4. 1999: Canada-U.S. Partnership Forum .....</b>	<b>34</b>
<b>E.</b>	<b>POST-9/11 PERIOD: THE PRIMACY OF AMERICAN SECURITY ...</b>	<b>35</b>
	<b>1. 2001: Smart Border Declaration .....</b>	<b>36</b>
	<b>2. 2002: Cooperative Backsliding Due to the Arar Case .....</b>	<b>37</b>

3.	2005: Security and Prosperity Partnership of North America .....	38
4.	2011: Beyond the Border .....	39
F.	CONCLUSION .....	40
III.	CANADA PREFERS TRADE .....	41
A.	CANADIAN BORDER SECURITY NEED .....	42
1.	Security Policy Conflicts among Canadian Elites .....	43
2.	Canada's Focus on Trade .....	45
B.	CANADIAN STRATEGIES AND INSTITUTIONS .....	47
1.	The Canadian Security and Trade Strategies .....	47
a.	<i>Canada's National Security Policy (2004)</i> .....	48
b.	<i>Advantage Canada (2006)</i> .....	49
c.	<i>Canada First: Defence Strategy (2008)</i> .....	50
d.	<i>Beyond the Border Action Plan (2011)</i> .....	50
2.	Canada's Border Security Institutions .....	51
a.	<i>Canada Border Services Agency</i> .....	51
b.	<i>Royal Canadian Mounted Police</i> .....	52
c.	<i>Canadian Coast Guard</i> .....	53
C.	CANADIAN POLICY IMPLEMENTATION PRACTICES .....	53
D.	CONCLUSION .....	56
IV.	SECURITY-FIRST IN THE UNITED STATES .....	59
A.	THE AMERICAN STRUGGLE WITH SECURITY AND TRADE .....	59
1.	U.S. Border Security Need .....	60
2.	American Self-Assessment .....	60
3.	Washington's Post-9/11 Shifting Border Security Approaches .....	61
4.	American Border Security Weaknesses Continue .....	64
5.	Is Northern Border Security Worth the Cost? .....	65
B.	THE U.S. BORDER AND MARITIME SECURITY STRATEGIES .....	68
1.	National Security Strategy (2010) .....	69
2.	DHS Strategic Plan and Northern Border Strategy (2012) .....	70
3.	Great Lakes Maritime Strategy (2011) .....	71
4.	Why So Many Strategies? .....	71
C.	AMERICAN UNILATERALISM .....	72
1.	U.S. Unilateralism Prior to 2001 .....	72
2.	U.S. Unilateralism During George W. Bush's Presidency .....	73
3.	U.S. Unilateralism During Barack Obama's Presidency .....	74
D.	CONCLUSION .....	75
V.	U.S. BORDER STATES IN THE GREAT LAKES REGION .....	77
A.	SECURITY VERSUS TRADE IN THE GREAT LAKES REGION .....	78
1.	Do Great Lakes States Generally Feel Insecure? .....	79
a.	<i>Minnesota and Wisconsin: Minimally Concerned</i> .....	79
b.	<i>Ohio and Pennsylvania: Slightly Concerned</i> .....	80
c.	<i>Michigan and New York: Moderately Concerned</i> .....	81
2.	Great Lakes Regional Vulnerabilities .....	83
a.	<i>Great Lakes and St. Lawrence Seaway Constraints</i> .....	83

<i>b.</i>	<i>Soo Locks.....</i>	<i>85</i>
<i>c.</i>	<i>St. Clair/Detroit River System.....</i>	<i>86</i>
<i>d.</i>	<i>High-Traffic Shipping Ports.....</i>	<i>87</i>
<i>e.</i>	<i>Points of Entry: Tunnels and Bridges.....</i>	<i>88</i>
<b>B.</b>	<b>REGIONAL STRATEGIES .....</b>	<b>89</b>
1.	Great Lakes Regional Homeland Security Strategies .....	89
2.	Great Lakes Maritime Strategy (2011) .....	90
3.	Regional Transportation Strategies .....	90
4.	Trade .....	91
<b>C.</b>	<b>GREAT LAKES SECURITY AND TRADE INSTITUTIONS.....</b>	<b>91</b>
<b>D.</b>	<b>CONCLUSION .....</b>	<b>92</b>
<b>VI.</b>	<b>RECOMMENDATIONS AND FURTHER RESEARCH .....</b>	<b>95</b>
<b>A.</b>	<b>MAKE A PLAN AND STICK WITH IT.....</b>	<b>95</b>
<b>B.</b>	<b>LISTEN AND SPEAK THE SAME LANGUAGE.....</b>	<b>96</b>
<b>C.</b>	<b>MAINTAIN TRANSPARENCY .....</b>	<b>97</b>
<b>D.</b>	<b>DO NOT OVERREACT .....</b>	<b>97</b>
<b>E.</b>	<b>BE WARY OF ECONOMIC DEPENDENCE.....</b>	<b>98</b>
<b>F.</b>	<b>FINAL THOUGHTS .....</b>	<b>99</b>
	<b>LIST OF REFERENCES.....</b>	<b>101</b>
	<b>INITIAL DISTRIBUTION LIST .....</b>	<b>113</b>

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## LIST OF FIGURES

Figure 1.	Great Lakes Region.....	77
Figure 2.	Great Lakes System Profile .....	84
Figure 3.	Soo Locks.....	85
Figure 4.	St. Clair/Detroit River System .....	86

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## LIST OF TABLES

Table 1.	Aliens Apprehended: Fiscal Years 1970 to 2011 .....	66
Table 2.	U.S. Border Patrol Apprehension, Budget, and Staffing Statistics: 1999 to 2011.....	67

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ATF	Bureau of Alcohol Tobacco Firearms and Explosives
CBCF	Cross Border Crime Forum
CBP	Customs and Border Protection
CBSA	Canada Border Services Agency
CIA	Central Intelligence Agency
CIC	Citizenship and Immigration Canada
CUSP	Canada-U.S. Partnership Forum
DFAIT	Department of Foreign Affairs and International Trade
DHS	Department of Homeland Security
DoD	Department of Defense
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FTA	Free Trade Agreement
FY	Fiscal Year
GAO	Government Accountability Office
GATT	General Agreement on Tariffs and Trade
HSI	Homeland Security Investigation
IBC	International Boundary Commission
IBET	Integrated Border Enforcement Team
ICE	Immigration and Customs Enforcement
INS	Immigration and Naturalization Service
MDA	Maritime Domain Awareness
MDOT	Michigan Department of Transportation
MiSN	Michigan Security Network
MSOC	Marine Security Operation Center
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NBS	Northern Border Strategy
NBSTB	Northern Border Security Test Bed
NITC	New International Trade Crossing

NORAD	North American Aerospace Defense Command
NSS	National Security Strategy
NYC	New York City
OIC	Operational Integration Center
OIG	Office of the Inspector General
POE	Points of Entry
QDR	Quadrennial Defense Review
RCMP	Royal Canadian Mounted Police
SLSDC	Saint Lawrence Seaway Development Corporation
SLSMC	Saint Lawrence Seaway Management Corporation
SPP	Security and Prosperity Partnership
TSA	Transportation Security Administration
USCG	United States Coast Guard
USNORTHCOM	United States Northern Command
WMD	Weapons of Mass Destruction

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## **I. U.S.-CANADA BORDER SECURITY IN THE GREAT LAKES REGION: AN IMBALANCE THAT MATTERS**

At the border, cultures are mixed and traits exchanged, but goals and values are not always automatically blurred as many contend.

—Canadian Political Economy Scholar Daniel Drache (2004)<sup>1</sup>

Although the United States and Canada have not fought over their common border in 200 years, border security has reemerged as a critical policy issue in and between both countries after the events of September 11, 2001. One area of operation that presents unique challenges is the maritime border found on the Great Lakes and St. Lawrence Seaway. On the one hand, with millions depending upon it, this inland waterway facilitates international trade between two long-standing allies and the rest of the world. On the other hand, this national frontier demands vigilant observation and protection. When these goals conflict, the underlying disconnection between U.S. and Canadian policy priorities are exposed—and, because it has not been addressed, could cause enduring rifts in the relationship between two of North America's oldest democracies. In the meantime, the American Great Lakes regional states along the border must work with both sides, accommodating often divergent national agendas while still protecting the lives and livelihoods of their citizens.

The United States has significantly increased its northern border security environment since the terrorist attack of 2001. The Canadians have responded similarly, though perhaps mostly at the U.S. behest. Their internal political concerns favor trade and are sensitive to kowtowing to American security policies, which reveals a very different view of border security from the U.S. model. Americans perceive Canadian border security contributions as burden-sharing through free-riding due to the magnitude of U.S. resources devoted to it. Canadians consider excessive border security as trade-inhibitive, and therefore, they use burden-shifting to counteract its effects.

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<sup>1</sup> Daniel Drache, *Borders Matter: Homeland Security and the Search for North America* (Halifax: Fernwood Publishing, 2004), 40.

What are the national and regional ramifications of this imbalance for the United States and Canada, particularly if northern border security concerns attract less attention—and budget—in the future? And what implications and effects does the northern border security regime have for the several U.S. states along it?

## **A. IMPORTANCE**

The United States and Canada have national policies that make border security a priority for both governments. In addition, the equitable allocation of limited federal resources is of the upmost concern for the multitude of U.S. governments impacted by the maritime border security issue.

The United States and Canada both recognize the importance of maintaining the maritime security of the border. The 2010 United States National Security Strategy states:

Security at home relies on our shared efforts to prevent and deter attacks by identifying and interdicting threats, denying hostile actors the ability to operate within our borders, [and] protecting the nation's critical infrastructure and key resources... That is why we are pursuing initiatives to protect and reduce vulnerabilities in critical infrastructure, at our borders, [and] ports ... and to enhance overall ... maritime ... security. Building on this foundation, we recognize that the global systems that carry people, goods, and data around the globe also facilitate the movement of dangerous people, goods, and data. Within these systems of transportation and transaction, there are key nodes—for example, points of origin and transfer, or border crossings—that represent opportunities for exploitation and interdiction. Thus, we are working with partners abroad to confront threats that often begin beyond our borders. And we are developing lines of coordination at home across Federal, state, local, tribal, territorial, nongovernmental, and private-sector partners, as well as individuals and communities.<sup>2</sup>

The Canadians have similar policies. According to the government of Canada's website, "The Government of Canada is always looking at ways to increase security at the Canada-U.S. border. Canada has been and will continue to work in close cooperation with the United States to ensure that our shared border is closed to terrorists but open for

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<sup>2</sup> White House, *National Security Strategy* (Washington, DC: White House, 2010).

legitimate trade and travel.”<sup>3</sup> The combined commitment to border security was laid out in detail in the 2001 Smart Borders Declaration, which was signed by both governments and reiterated in the Border Action Plan of 2011.

Combined efforts between the United States and Canada have a long history. Both countries have shared similar domestic and foreign policy perspectives like NATO—with their joint war and humanitarian efforts. As a world superpower, the United States often takes the lead role in these efforts, which has dramatically impacted Canadian politics in the past. Allen E. Gotlieb, the former Canadian Ambassador to the United States, once said, “In the drama of Canada’s foreign policy, the U.S. is always the principal actor; at the table where Canadians prepare the ingredients of their foreign policy, the U.S. is always the principal guest; when Canadians assemble to discuss their needs and destiny, the spectre of the U.S. is always there to dominate their thoughts.”<sup>4</sup>

The American reaction to the 9/11 terrorist attacks altered U.S. security policies, and it has challenged long-standing strategic commitments, particularly border security, between the two allies. Americans focused on their security, which forced Canada to rethink and revise its border security policies, as well. However, trade has always been Canada’s primary concern. Ed Fast, the Canadian Minister of International Trade recently stated, “Our government’s top priority is the economy, and deepening Canada’s trade ties around the world.”<sup>5</sup> Security still takes precedence in the U.S., but will Americans want—or be able to—maintain its current security posture?

As budgets decrease and economic hardships on both sides of the border worsen, U.S.-Canada trade gains importance in American politics. Recently, at the Washington Council on International Trade, Ambassador Demetrios J. Marantis suggested that the American people expect President Barack Obama to “be responsive to [their] growing

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<sup>3</sup> Government of Canada. “Border Cooperation,” December 12, 2011, [http://www.canadainternational.gc.ca/can-am/bilat\\_can/border\\_frontiere.aspx?lang=eng&view=d](http://www.canadainternational.gc.ca/can-am/bilat_can/border_frontiere.aspx?lang=eng&view=d).

<sup>4</sup> Allan E. Gotlieb, “The United States in Canadian Foreign Policy,” *Foreign Affairs and International Trade Canada*, December 10, 1991, <http://www.international.gc.ca/odskelton/gotlieb.aspx?lang=eng&view=d>.

<sup>5</sup> Ed Fast, “Minister Fast Promotes Canada’s Solid Economic Performance to Global Business Leaders in London,” *Foreign Affairs and International Trade Canada*, August 8, 2012, [http://www.international.gc.ca/media\\_commerce/comm/news-communiques/2012/08/08a.aspx?view=d](http://www.international.gc.ca/media_commerce/comm/news-communiques/2012/08/08a.aspx?view=d).

concerns about trade.”<sup>6</sup> On the one hand, this bodes well for the Canadians who suggest trade is negatively affected by increased border security. On the other hand, more of the burden for providing border security may fall to individual American states as federal budgets and popular support decline throughout the region.

## **B. PROBLEMS AND HYPOTHESES**

Maritime border security on the Great Lakes and St. Lawrence Seaway system is intentionally unbalanced burden-sharing by the United States and Canada. It is further expected that the United States is assuming a majority of the responsibility for the maritime border security via funding, manpower, equipment, and institutional capabilities. The explanation for this imbalance can be found in the politics of both countries.

Americans tend to practice a unilateralist approach to their security because of learned behavior from past security breaches. However, can Americans currently afford to assume the majority of the financial burden that comes with a unilateralist approach to border security, especially for the world’s longest border? Probably not, but convincing Americans to subjugate their border security to another country is unlikely at best. At worst, it could facilitate an unacceptable level of vulnerability to attack, which is still a fresh wound in the American consciousness.

The Canadians take a different approach to security due to their concerns regarding trade, which has produced a highly polarized political environment over the border security issue. With the vast majority of Canadians living within 100 miles of the border, it is critical to their livelihoods to have safe borders that are permeable enough to facilitate efficient trade with the United States. Therefore, some political and business elites think that “the creation of a ‘security perimeter’ with the United States” is the best tactic, but others argue that it would be better to “deal with [the] United States on

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<sup>6</sup> Demetrios J. Marantis, “Remarks by Ambassador Demetrios J. Marantis at the Washington Council on International Trade on the Obama Administration’s Asia-Pacific Trade Policy,” *Office of the United States Trade Representative*, July 19, 2012, <http://www.ustr.gov/about-us/press-office/speeches/transcripts/2012/july/marantis-WCIT-obama-asia-pacific-trade>.



‘specific areas of concern.’ ”<sup>7</sup> At the heart of these arguments is the Canadian concern over legitimate trade between the two countries. This dichotomy between security and trade is the central problem with decisive Canadian border security action. Due to this stalemate, Canada uses burden-shifting to appease both political factions.

Historically, Canadians prefer using burden-shifting security strategies. Throughout the Cold War, they used burden-shifting policies to allocate diplomatically minimal resources to security problems while working with their NATO allies. In the current border security arena, the Canadians are attempting to placate U.S. concerns by acknowledging the security issue, while encouraging Americans to take the lead and do most of the heavy lifting. Therefore, the recent U.S.-Canadian agreements that suggest bi-national equitable contributions are in fact, divergent individual national policies that will result in an unbalanced border security approach.

Why should unbalanced burden-sharing be considered a problem? Simply put, the United States is in the midst of difficult economic times. Budget cuts and limited resources are severely constraining the U.S. federal government. As public opinion shifts away from a security-first mindset, states such as Michigan, Indiana, Pennsylvania, and New York may be given increased responsibility for northern border security. These border security issues translate directly into the maritime border security environment. It is therefore proposed that these states be prepared to assume a greater role in U.S. maritime border security on the Great Lakes and St. Lawrence Seaway system, because they may be required to bear the brunt of the future financial burden.

### **C. LITERATURE REVIEW**

In the literature regarding maritime border security for the United States and Canada, four themes seem to reoccur. First, there is a political mismatch between the two countries, which can be identified in their national policies. These policies appear similar on the surface, but they contain subtle differences. Second, the perceived threat environment to both countries is different. Third, each country has distinct approaches to

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<sup>7</sup> Jonathan Paquin, “Canadian Foreign and Security Policy: Reaching a Balance between Autonomy and North American Harmony in the Twenty-First Century,” *Canadian Foreign Policy* 15, no. 2 (July 2009): 99.

border security, and by extension, maritime border security. Fourth, the security institutions on the Great Lakes and St. Lawrence Seaway vary greatly in quantity and reach. The combination of these four themes has resulted in an unbalanced burden-sharing security environment on the northern maritime border, which someday may require American states bordering this waterway to assume greater financial burdens to secure it.

## **1. U.S. Border Security Perspective and Policies**

Americans have found ample proof that border security is a valid concern. A 2010 Government Accountability Office report (GAO-11-97) indicated that there are “many threats on ... the northern border.”<sup>8</sup> It also suggested “that the maritime border on the Great Lakes and rivers is vulnerable to use of small vessels as a conduit for potential exploitation by terrorists, alien smuggling, trafficking of illicit drugs and other contraband and criminal activity.”<sup>9</sup> The GAO report’s assessments were supported by multiple senior officials during the 2012 United States House of Representatives Committee on Homeland Security, Subcommittee on Border and Maritime Security hearings, and an in-depth 2010 RAND report titled *Measuring the Effectiveness of Border Security Between Ports-of-Entry*.

Border security concerns are backed up by a variety of security policies and budgets. To begin with, the 2010 National Security Strategy, the 2012 Department of Homeland Security Strategic Plan, the 2012 Northern Border Strategy, and the 2009–2013 State of Michigan’s Homeland Security Strategy all place a premium on border security. Additionally, there has been a dramatic increase in funding and border patrol agents for the northern border over the last decade. A 2010 Border Security CRS report indicated that there was a “tripling of the Border Patrol’s northern border workforce in the years after 9/11.”<sup>10</sup> Interestingly, “apprehensions along the northern

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<sup>8</sup> U.S. Government Accountability Office, *Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border*, 2010.

<sup>9</sup> Ibid.

<sup>10</sup> U.S. Library of Congress, Congressional Research Service, *Border Security: The Role of the U.S. Border Patrol*, by Chad C. Haddal, CRS Report RL32562 (Washington, DC: Office of Congressional Information and Publishing, August 11, 2010), 22.

border declined gradually from FY1997 to FY2009.”<sup>11</sup> Although border security is a hot topic now, this data could foreshadow future federal spending reductions for northern border security.<sup>12</sup>

For the time being, maritime border security is an American priority. The 2007 U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship defines its maritime security role as the protection of “the U.S. maritime domain and Marine Transportation System, and deny their use and exploitation by terrorists as a means for attacks on U.S. territory, population, vessels, and critical infrastructure.”<sup>13</sup> The U.S. Coast Guard’s strategic vision for the Great Lakes states, “We will safeguard the Great Lakes system and their maritime communities, advancing national objectives and shaping maritime border policy through a seamless binational enterprise of safety, security and stewardship.”<sup>14</sup> There is a strong U.S. commitment to Great Lakes maritime security, but is it a cooperative effort with Canada?

**a. U.S. Unilateralist Security Approach**

Americans tend to take a unilateralist approach to their security. Joel Sokolsky and Philippe Lagassé wrote:

Washington is aware that protecting the American people and prosecuting a global war on terrorism requires allies’ “wholehearted cooperation.” And even when cooperation is forthcoming, the United States will never wholly rely upon the efforts of other governments. This sentiment, so quintessentially American in form and content, is shared by both the

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<sup>11</sup> Haddal, *Border Security*, 23.

<sup>12</sup> White House, *National Security Strategy*, 2010.; Janet Napolitano, “Department of Homeland Security Strategic Plan: Fiscal Years 2012-2016,” *Department of Homeland Security*, February 2012, <http://www.dhs.gov/xlibrary/assets/dhs-strategic-plan-fy-2012-2016.pdf>; Janet Napolitano, “Northern Border Strategy,” *Homeland Security Digital Library*, June 2012, <http://www.hsdl.org/?view&did=710991>; Rick Snyder, “State of Michigan: Homeland Security Strategy 2009–2013,” *State of Michigan: Executive Office*, 2009, [http://www.michigan.gov/documents/msp/Homeland\\_Security\\_Strat\\_FINAL\\_362552\\_7.pdf](http://www.michigan.gov/documents/msp/Homeland_Security_Strat_FINAL_362552_7.pdf).

<sup>13</sup> Thad W. Allen, “The U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship,” *Homeland Security Digital Library*, January 19, 2007, <http://www.hsdl.org/?view&did=470382>.

<sup>14</sup> U.S. Coast Guard, *Great Lakes Maritime Strategy: A Strategic Framework for the Coast Guard on the Great Lakes*, (Cleveland: Ninth Coast Guard District, 2011–2016), 8.

executive and legislative branches of the American government, and by both major American political parties.<sup>15</sup>

Daniel Drache also recognizes the American proclivity toward unilateralism, and he pointed out that “Canadians and Americans do not inhabit the same security universe.”<sup>16</sup>

The American unilateralist approach to border security is colliding with some specific Canadian concerns. Peter Andreas summed it up as the “Mexicanization of the US-Canada border.”<sup>17</sup> President Obama appears to be willing to acknowledge the need for a more cooperative environment between the two allies. While recent security agreements appear to bolster cooperation, they actually placate Canadian border security concerns.

### ***b. U.S. Border Security Application***

One of the Canada-U.S. cooperative agreements was the *Beyond the Border* action plan, which President Obama signed in 2011. The plan focuses on a security perimeter approach, and it highlighted the need for Canadian cooperation. As usual, the Americans have been doing their part, and then some. In fact, “Congress has allocated considerable resources to increase staffing, purchase updated equipment and vehicles, build new stations, and deploy technology.”<sup>18</sup> There also has been a number of operation and intelligence centers opened. A need for border security has even instigated stimulated new industries. For instance, Michigan is receiving millions to beef-up its border security.<sup>19</sup> In addition, numerous new jobs are being created in Michigan’s security sector such as the Michigan Security Network (MiSN) company, which is in the

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<sup>15</sup> J. Sokolsky and P. Lagassé, “Suspenders and a Belt: Perimeter and Border Security in Canada-US Relations,” *Canadian Foreign Policy* 12, no. 3 (2005/2006): 24.

<sup>16</sup> Drache, *Borders Matter*, 94.

<sup>17</sup> P. Andreas, “The Mexicanization of the US-Canada Border: Asymmetric Interdependence in a Changing Security Context,” *International Journal* 60, no. 2 (2005): 449.

<sup>18</sup> U.S. Senate Judiciary Subcommittee on Immigration, *Refugees and Border Security Hearing: Improving Security and Facilitating Commerce at America’s Northern Border and Ports of Entry, 2011* (Washington, DC: Congressional Documents and Publications, 2011), 1.

<sup>19</sup> Associated Press, “Homeland Security Gives Michigan \$4M to Improve Security at Canadian Border,” *mlive.com*, May 3, 2011, [http://www.mlive.com/news/detroit/index.ssf/2011/05/homeland\\_security\\_gives\\_michig.html](http://www.mlive.com/news/detroit/index.ssf/2011/05/homeland_security_gives_michig.html).

process of establishing a Northern Border Security Test Bed (NBSTB) in the state.<sup>20</sup> The question is: Will it last?

In Michigan today, there are several federally funded programs contributing to the maritime border security function. These include: the Detroit Southeast Michigan Information and Intelligence Center; the U.S. Department of Homeland Security's Operational Integration Center (OIC); more than 40 U.S. Coast Guard stations; and the Saint Lawrence Seaway Development Corporation (SLSDC). The Detroit fusion center manages state intelligence functions. The OIC coordinates and facilitates state and binational cooperative maritime security on the Great Lakes and the St. Lawrence Seaway system. The U.S. Coast Guard conducts maritime security operations via the Integrated Border Enforcement Team (IBET) program. Finally, the SLSDC operates and maintains the seaway system in cooperation with the Canadian St. Lawrence Seaway Management Corporation (SLSMC). Federal support is critical to maintain Michigan's maritime border security programs. But, do these initiatives have long-term feasibility?

### *c. U.S. Border Security Opposition*

Not all Americans support the current border security initiatives. Like many Canadians, their concerns focus on trade. One author, April Terreri, made the argument that some of the northern border security measures interfere with commerce.<sup>21</sup> Her points are directed toward land transport, but similar arguments would apply to shipping on the Great Lakes and St. Lawrence Seaway. Canadians Steven Globerman and Paul Storer agreed with Terreri. They argued that there were "significant adverse impacts on Canadian exports associated with post-9/11 border developments."<sup>22</sup> These barriers to trade with Canada will eventually steer American politics away from their focus on boarder security. If trade issues begin to dominate northern border security policies, then

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<sup>20</sup> Mark Sanchez, "Battle Creek Homeland Security Capital Fund Lands First Investor," mlive.com, October 15, 2008, [http://www.mlive.com/business/west-michigan/index.ssf/2008/10/homeland\\_security\\_capital\\_fund.html](http://www.mlive.com/business/west-michigan/index.ssf/2008/10/homeland_security_capital_fund.html); Leslie A. Touma, "MiSN Working to Reinvent Michigan," *Technology Century* 15, no. 4 (Winter 2010-2011): 29.

<sup>21</sup> A. Terreri, "Is Border Security Trumping Trade?" *World Trade* 20, no. 6 (2007): 42.

<sup>22</sup> S. Globerman and P. Storer, "Border Security and Canadian Exports to the United States: Evidence and Policy Implications," *Canadian Public Policy* 35, no. 2 (2009): 183.

there would be a reduction in federal support resulting in states assuming a greater role in the border security realm.

*d. U.S. Northern Border Security Ramifications*

There is precedent for states assuming greater border security responsibilities. In the 1930s, immigration became a “matter of national security,” which caused a Canadian border office to be opened in Detroit, Michigan.<sup>23</sup> As part of the Immigration and Naturalization Service (INS), Border Patrol numbers were inflated for the first time “for the task of securing our borders against enemy aliens.”<sup>24</sup> Eventually, public opinion soured from WWII INS internment camps. In 1952, immigration practices reverted back to a more open policy on the northern border. The southwestern border was a different story because “sixty-two Canadian border units were transferred south for a large-scale repatriation effort.”<sup>25</sup> This border security policy shift effectively forced the northern states to fend for themselves, and it stayed that way until 9/11 when the cycle started over.

Although it is unlikely that the northern border will be abandoned by federal scrutiny anytime in the near future, there could be a change in federal priorities. Potentially, these priorities would move away from security and toward trade. Therefore, the states would be required to assume more of the burden of border security. Since Michigan has an expansive maritime border, that burden may fall squarely on its shoulders. In fact, this may already be happening. There is a “do more with less”<sup>26</sup> mentality that Washington is calling for to increase northern border efficiency. One recent binational initiative focuses on “reductions in compliance costs and border

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<sup>23</sup> U.S. Customs and Border Protection, “U.S. Immigration and Naturalization Service—Populating a Nation: A History of Immigration and Naturalization,” (n.d.), [http://www.cbp.gov/xp/cgov/about/history/legacy/ins\\_history.xml](http://www.cbp.gov/xp/cgov/about/history/legacy/ins_history.xml).

<sup>24</sup> U.S. CBP, “U.S. INS—Populating a Nation,” [http://www.cbp.gov/xp/cgov/about/history/legacy/ins\\_history.xml](http://www.cbp.gov/xp/cgov/about/history/legacy/ins_history.xml).

<sup>25</sup> U.S. Customs and Border Protection, “Border Patrol History,” January 5, 2010, [http://www.cbp.gov/xp/cgov/border\\_security/border\\_patrol/border\\_patrol\\_ohs/history.xml](http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_ohs/history.xml).

<sup>26</sup> Christopher Ford, Hanns Kuttner, Christopher Sands, Tevi Troy, and John Walters, “Northern Gauntlet: Michigan’s Homeland Security Advantage for America,” *Hudson Institute*, February 2012, <http://www.hudson.org/files/publications/NorthernGauntlet--Feb162012.pdf>.

crossing delays ... [which] is more likely to win support within DHS and the U.S. Congress.”<sup>27</sup> However, for the time being there is still plenty of funding to go around in the name of security.

*e. Recent Related Theses*

There have been two recent NPS theses related to maritime security. One, a 2010 thesis by Jeffrey Westling titled *Securing the Northern Maritime Border Through Maritime Domain Awareness* focused on interagency and bi-national collaboration of Maritime Domain Awareness (MDA) on the Great Lakes and St. Lawrence Seaway system. He explained the maritime complexities of the system, and then he made suggestions for improving the MDA mission for the region. However, Westling’s thesis did not address how the U.S. government would maintain maritime security on the Great Lakes in lieu of future waning support by the American people or the Canadian proclivity to bolster trade at the expense of security.<sup>28</sup>

A thesis by Laura Jean Thompson written in 2011, *U.S. Maritime Security: Sustainability Challenges*, critiqued the longevity and interoperability of USCG and CBP air and marine assets. She argued that U.S. assets are under tremendous strain to meet national policies laid out by the president. She recommended increased interoperability between the two organizations, and she suggested the institution of a new resource alignment approach that would assist them in meeting long-term obligations in the modern maritime security environment. However, Thompson’s thesis does not discuss potential retraction of the federal government in overall maritime border security or anticipated DHS funding cuts.<sup>29</sup>

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<sup>27</sup> Ford, Kuttner, Sands, Troy, and Walters, “Northern Gauntlet,” <http://www.hudson.org/files/publications/NorthernGauntlet--Feb162012.pdf>.

<sup>28</sup> Jeffrey C. Westling, “Securing the Northern Maritime Border Through Maritime Domain Awareness” (Master’s thesis, Naval Postgraduate School, 2010), [http://edocs.nps.edu/npspubs/scholarly/theses/2010/Sep/10Sep\\_Westling.pdf](http://edocs.nps.edu/npspubs/scholarly/theses/2010/Sep/10Sep_Westling.pdf).

<sup>29</sup> Laura Jean Thompson, “U.S. Maritime Security: Sustainability Challenges” (Master’s thesis, Naval Postgraduate School, 2011), [http://edocs.nps.edu/npspubs/scholarly/theses/2011/September/11Sep\\_Thompson.pdf](http://edocs.nps.edu/npspubs/scholarly/theses/2011/September/11Sep_Thompson.pdf).

## **2. Canadian Border Security Perspective**

What is important to the Canadians regarding border security? In 2004, Canada implemented its first National Security Policy in recognition to the increased threat environment for North America. This policy contains “three core national security interests: 1. protecting Canada and Canadians at home and abroad; 2. ensuring Canada is not a base for threats to our allies; and 3. contributing to international security.”<sup>30</sup> Evaluating these three interests highlights how Canadian security policy is closely aligned with U.S. security policies. However, upon closer inspection, the Canadian National Security Policy also suggests that “[e]ffective border management requires governments to treat the border as more than a single line at which threats can be intercepted.”<sup>31</sup> Of course, Canada’s other border priority is trade. Therefore, while Canadians support increased security initiatives at the shared border, they do not want the policies to impede efficient trade.

### ***a. Canada Fears Too Much Security***

Canada took the border security mess in stride, but concerns remained that too much security was severely interfering with efficient trade with the United States. Peter Andreas summed up a number of Canada’s primary concerns in his 2005 journal article, *The Mexicanization of the U.S.-Canada Border: Asymmetric Interdependence in a Changing Security Context*. Andreas wrote:

In the aftermath of the terrorist attacks, Canada has experienced the kind of intense U.S. political scrutiny and alarmed media attention that has long been familiar to Mexico. The politicization of the border has unsettled the traditional special U.S.-Canada relationship and brought to an end what had been a mutually convenient low maintenance approach to border control matters ... Canada and Mexico have become more painfully aware of the risks and vulnerabilities that have come with asymmetric interdependence: they are far more economically tied to and dependent on

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<sup>30</sup> Canada Privy Council Office, *Securing an Open Society: Canada’s National Security Policy* (Ottawa: National Library of Canada, 2004), vii.

<sup>31</sup> Canada Privy Council Office, *Securing an Open Society*, 41.



the United States than the other way around, and thus are much more vulnerable to security-related disruptions in cross border flow.<sup>32</sup>

These fears have led Canada's political elite to safeguard Canada's trade with the United States the best way they know how—through long-practiced burden-shifting techniques. In so doing, new Canadian agencies, institutions, and policies have been put in place to quell American security concerns for the border. Most importantly, "Canada has played an active part on the war on terror."<sup>33</sup> These ambitious actions are paying off because trade efficiencies continue to improve as Canadians and Americans now look for new ways to ease border restrictions while maintaining border security interests.

***b. Canadian Policy: Continentalist vs. Internationalist***

Canadian national security is split into two political camps. Jonathan Paquin identified the camps as the Continentalists and the Internationalists, and then explained both perspectives. Paquin suggested that the Continentalists "argue that Canada's relationship with the United States should define its policies. They maintain that Canada's opposition to the United States hurts Canadian national interests by damaging Canadian-American relations and by isolating Canada."<sup>34</sup> The other camp stands diametrically opposed to this viewpoint. The Internationalists "maintain that the Canadian government must stand up for Canada's autonomy by defending Canadian beliefs and values, especially when U.S. pressure is high... if it wants to reduce the effect of 'every twitch and grunt' of the American 'elephant.'"<sup>35</sup> These different perspectives highlight Canadian concerns of trade versus border security.

Once the Canadians are separated into their respective camps, it is important to identify which camp is in power. Prime Minister Harper's Canadian security policy falls into the Continentalist camp. Simon Dalby, a professor at the University of

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<sup>32</sup> Andreas, "The Mexicanization of the US-Canada Border," 449-50.

<sup>33</sup> Sokolsky and Lagassé, "Suspenders and a Belt," 16.

<sup>34</sup> Jonathan Paquin, "Canadian Foreign and Security Policy: Reaching a Balance Between Autonomy and North American Harmony in the Twenty-First Century," *Canadian Foreign Policy* 15.2, Summer (2009): 99.

<sup>35</sup> Ibid.

Victoria wrote, “The geopolitical vision underlying the Harper government seems to be ... a Continentalist theme of security coordination with the United States.”<sup>36</sup> Interestingly, Prime Minister Harper signed the *Beyond the Border* action plan in 2011 with the United States that focuses on perimeter security and economic competitiveness. In fact, “Prime Minister Stephen Harper and President Barack Obama announced that both countries would be taking steps to strengthen the security of North America’s perimeter so that the flow of people, goods and services across the shared border could be made more efficient than ever.”<sup>37</sup>

These Continentalist views suggest a willingness to “focus on greater joint-security coordination between the United States and Canada” to create a “common security perimeter.”<sup>38</sup> However, there is also evidence that “efficient” trade is critical in Canadian politics, and it is foremost on Prime Minister Harper’s agenda. Stéfanie von Hlatky argues that the border action plan is an attempt by the Harper administration to “reduce the impediments to border flows and improve trade,” which is due to Canada’s increasing economic concerns.<sup>39</sup>

### *c. Canadian Security: Realists, Liberals, and Constructivists*

Keeping in mind current Canadian policies, in what way does Canada contribute to border security with the United States? The realists, liberals, and constructivists all have different perspectives. The realists suggest a need for burden-sharing collective goods via free-riding, whereby “the stronger party is assumed to bear a larger share of the costs as the leader of the arrangement while the weaker party benefits

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<sup>36</sup> Simon Dalby, “Forward to the Past: Stephen Harper’s Geopolitical Imagination,” *Carleton University*, February 2012, <http://http-server.carleton.ca/~sdalby/papers/DalbyHarpersGeopoliticsYork2012.pdf>.

<sup>37</sup> The Office of the President of the United States, *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness* (Washington, DC: White House, 2011).

<sup>38</sup> Georges A. Tanguay and Marie-Christine Therrien, *Protecting Canada and the U.S. Against Terrorism: A Common Security Perimeter?*, vol. 10, *North American Economic and Financial Integration*, (United Kingdom: Emerald Group Publishing Limited, 2004), 85.

<sup>39</sup> Stéfanie von Hlatky, “The Rhetoric and Reality of Border Policy Coordination Between Canada and the US,” *International Journal* 67, no. 2 (Spring 2012): 437–43.

from the positive externalities generated by the actions of the stronger party.”<sup>40</sup> However, collective goods theory assumes “the existence of a common interest among allies.”<sup>41</sup> Liberalists would argue that the Canadians could effectively pursue a cooperative approach via economic exchange, but they must also acknowledge that “the liberal view neglects the fact that economics and security are often competing interests.”<sup>42</sup> Similarly, constructivists poorly account for the “diversity of interests within North American societies and [minimize] instances where Canadian and American interests are at odds.”<sup>43</sup>

The realist view most closely fits the Canadian-U.S. border security reality, but burden-sharing does not. Burden-shifting is a better fit, and it is described as “the art of manipulating alliance relationships for political gain.”<sup>44</sup> Prime Minister Harper’s public support of the *Beyond the Border* action plan was an example of burden-shifting, because he implied that security trumps trade to President Obama, but Canadian border security practices suggest otherwise, particularly on the Great Lakes and St. Lawrence Seaway system.

#### *d. Canadian Maritime Security*

There is not much literature on Canadian maritime security, but the Royal Canadian Mounted Police website indicates a marginal shift in priorities toward increased border security on the Great Lakes and St. Lawrence Seaway. The Canadians have opened up one Marine Security Operation Centers (MSOC) on the Great Lakes in Niagara, Ontario. This MSOC was conceived to “provide a focal point for the generation and dissemination of an accurate, coherent, relevant and timely maritime domain awareness picture to support operations in the protection of national security.”<sup>45</sup>

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<sup>40</sup> Stéfanie von Hlatky and Jessica Trisko, “Sharing the Burden of the Border: Layered Security Cooperation and the Canada-US Frontier,” *Canadian Journal of Political Science* 45, no. 1 (2012), 64.

<sup>41</sup> Wallace J. Thies, “Friendly Rivals: Bargaining and Burden-Shifting in NATO,” (New York: M. E. Sharpe, 2003), 7.

<sup>42</sup> Stefanie von Hlatky and Jessica Trisko, “Sharing the Burden of the Border,” 67.

<sup>43</sup> Ibid.

<sup>44</sup> Thies, “Friendly Rivals,” 8.

<sup>45</sup> Royal Canadian Mounted Police, “Marine Security Operation Centre: Frequently Asked Questions,” October 17, 2008, <http://www.rcmp-grc.gc.ca/mari-port/faq-eng.htm>.

According to the Canadian Coast Guard website the MSOC uses “multi-agency integration.”<sup>46</sup>

Interestingly, the current Great Lakes and St. Lawrence Seaway MSOC is still a temporary facility with a staff of 44 employees.<sup>47</sup> Additionally, there are plans for “4 permanent patrol vessels on the Great Lakes/St. Lawrence Seaway by 2013.”<sup>48</sup> While these plans are commendable, they pale in comparison to U.S. maritime security efforts. This suggests that Canadians are giving the United States the proverbial ‘nod’ for their maritime border security efforts. Therefore, when Washington’s funding support for the Department of Homeland Security border initiatives evaporate, so too will Ottawa’s. Ultimately, the burden for maritime security on the Great Lakes and St. Lawrence Seaway will fall on the shoulders of the American states that border them, particularly Michigan.

### **3. Filling in the Gaps**

There are a number of critical primary-source documents complete the research. First, the analysis draws on a variety of security policies. Second, political speeches, declarations, bilateral agreements, and reports provides specific context. Third, there are a number of journal articles, web documents, and Congressional hearings that fill in the gaps. Ultimately, this variety of source documents provides a vivid picture of how today’s U.S.-Canadian border security policies may lead to future financial obligations by American states to provide maritime security on the Great Lakes and St. Lawrence Seaway.

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<sup>46</sup> Canadian Coast Guard, “Marine Security Operations Centers,” December 6, 2011, <http://www.ccg-gcc.gc.ca/eng/CCG/Maritime-Security/MSOC>.

<sup>47</sup> Melinda Cheevers, “Marine Security Ops Centre Breaks Ground: Multi-Agency Headquarters Will Make Move to a New Home on York Road,” *NIAGARATHISWEEK.com*, August 16, 2012, <http://www.niagarathisweek.com/news/article/1486416--marine-security-ops-centre-breaks-ground>.

<sup>48</sup> Royal Canadian Mounted Police, “Marine Security Enforcement Teams,” March 24, 2011, <http://www.rcmp-grc.gc.ca/mari-port/mset-esm-eng.htm>.

#### **D. THESIS OVERVIEW**

This thesis is organized into an introduction, four chapters, and a conclusion to determine the implications of a border security mismatch between the United States and Canada. Chapter II traces the history of cooperation and the retrenchment practices of border security between the allies. Chapters III and IV cover current border and maritime security policies and their implications for Canada and the United States, respectively; Chapter V investigates the U.S. Great Lakes regional states' security concerns as they straddle the line between trade and security. The conclusion shows that security on the northern border is a challenging balancing act for the U.S. states in the Great Lakes region. They must cohesively interact with the federal governments on both sides of the shared border in order to reap the economic benefits offered by trade from Canada and funding from the U.S. Homeland Security enterprise.

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## **II. U.S.-CANADIAN BORDER HISTORY**

Canada and the United States share long-standing mutual security ties, but there have been times when the allies have not seen eye-to-eye on their shared border. The 19th and early 20th centuries proved politically volatile and in some cases, militarily hostile, while the latter parts of the 20th century until present day have seen only occasional discord between the two countries. The political relationship is currently what many would consider friendly, but Canadians have perfected a cordial wariness about American politics. They recognize the American proclivity for sweeping, sometimes sudden, changes and the potential effects of those changes on the U.S.-Canadian border. As such, Canada has mostly limited expectations for cooperation on the border, at least on the national (rather than state) level.

The history of the U.S.-Canada border security environment has significant political implications today. Additionally, many of the agreements that frame this security environment have been renewed, updated, and in some cases superseded over the years. Importantly, these agreements and the relationship between the United States and Canada depict the extended commitments that both countries have shared in regards to border security even if other issues occasionally took priority. Thus, this Chapter explores the dynamic and sometimes tumultuous relationship between the two countries over the last 200 years.

### **A. A PERIOD OF DISCORD**

In the 19th century, the U.S.-Canadian border marked a real frontier between uneasy neighbors with often conflicting political agendas. At first, Britain's long shadow—and longer reach—accounted for at least one war and several violent incidents along or about the border.

#### **1. The War of 1812**

In many respects, the U.S.-Canadian relationship began to form in earnest in 1812. By this time, the young United States was no longer willing to accept the British

Royal Navy's quasi-imperialist intervention in U.S. trade with other European countries, then in the throes of Napoleon's wars and exactly the kind of military-dynastic adventures that the first generation of American statesmen, notably George Washington in his "Farewell Address," found so distasteful. In retaliation for these trade restrictions and several provocative maritime confrontations (including the impressment of U.S. sailors into British service), a "hawkish" American government, led by President James Madison, declared war on Great Britain and by proxy, Canada. Some Americans assumed that "Canada would be easy pickings—that in fact an invasion would be welcomed by the Canadians," because they believed that Canadians wanted to rid themselves of British control too.<sup>49</sup> The Americans quickly realized the error of this assumption.

During the War of 1812, Canada and the United States clashed several times. Some of these conflicts played out on the Great Lakes, which highlights the challenges of maintaining a border on lakes large enough to facilitate naval engagements. In the beginning of the war, Major-General Sir Isaac Brock, administrator of Upper Canada, captured Lake Huron's Fort Michilimackinac in July and Detroit the following month, giving the British control of the Michigan territory. When the Americans first attempted to retake the territory they were badly beaten by a British-Canadian effort. By the end of 1812, "[t]he only Americans in Canada were prisoners of war."<sup>50</sup> As the campaigns began in 1813, the Americans gained some ground by capturing York (Toronto) that was later abandoned for a bigger prize, Fort George, which was seized by the American fleet at the mouth of the Niagara River. Additionally, the American naval fleet, led by Commodore Oliver Hazard Perry, defeated the British fleet at Put-In-Bay that fall. In doing so, the Americans gained control of the Great Lakes and recovered Detroit. At the same time, the ineptness of the U.S. military leadership on the ground led numerous American soldiers to their deaths. By December, American soldiers had abandoned their Canadian goals. Unfortunately, while departing Canada, the Americans "burned the town of Newark (Niagara-on-the-Lake), an act that drove the British to brutal retaliation at

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<sup>49</sup> The Canadian Encyclopedia, "War of 1812," (n.d.), <http://www.thecanadianencyclopedia.com/articles/war-of-1812>.

<sup>50</sup> Ibid.



Buffalo. These incendiary reprisals continued until Washington itself was burned by the British the following August.”<sup>51</sup> Around the same time, the British did manage to regain some control of Lake Erie, but with limited results, leaving a U.S.-British naval stalemate on the Great Lakes. In the end, Britain and the United States signed a peace treaty, the Treaty of Ghent, and the parties signed the Rush-Bagot Pact in 1817, which “limited military navigation on the Great Lakes to one to two vessels per country on each lake.”<sup>52</sup> Ultimately, the War of 1812 fostered animosity and mistrust between Canada and the United States, but it also resulted in the bilateral agreements that established today’s existing border and the military limitations on the Great Lakes.<sup>53</sup>

## **2. Convention of 1818**

As tensions slightly waned from the war, a convention was held in 1818 to formalize the border. The 1783 *Treaty of Peace* had identified an initial boundary, which stretched from the Atlantic Ocean to the Mississippi River. However, the treaty was flawed due to ambiguity over river boundaries and questions about the accuracy of the survey for the 45th parallel. These issues were rectified at the Convention of 1818, which “defined the ‘Line of Demarcation’ between the two countries as the 49th parallel from the Lake of the Woods to the Stony Mountains.”<sup>54</sup> The Convention was later fine-tuned by two subsequent treaties and a bill. First, the U.S.-Great Britain International Boundary Commission (IBC) was created to oversee boundary surveys and the general guidelines for border administration. Second, the IBC was given the responsibility to enforce that the border “vistas” remained clear. Third, the *International Boundary Commission Bill* specified a vista. It required the IBC to “clear from the land of any person such trees and underbrush as the Commission deems necessary to maintain a vista ten feet in width from the boundary [and] remove and destroy any work that is

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<sup>51</sup> The Canadian Encyclopedia, “War of 1812,” (n.d.), <http://www.thecanadianencyclopedia.com/articles/war-of-1812>, under “Wars.”

<sup>52</sup> U.S. Department of State: Office of the Historian, “Rush-Bagot Pact of 1817 and Convention of 1818,” (n.d.), <http://history.state.gov/milestones/1801-1829/Rush-Bagot>.

<sup>53</sup> The Canadian Encyclopedia, “War of 1812,” (n.d.), <http://www.thecanadianencyclopedia.com/articles/war-of-1812>.

<sup>54</sup> Peter Sullivan, David Bernhardt, and Brian Ballantyne, “The Canada-United States Boundary: The Next Century,” *International Boundary Commission*, (n.d.), <http://www.internationalboundarycommission.org/docs/ibc-2009-01-eng.pdf>.

constructed after July 6, 1960, within 10 feet of the boundary.”<sup>55</sup> Although these international agreements clarified border requirements, which slowly dissolved tensions between the United States, Great Britain, and Canada over the long-term, they did very little to quell the lingering resentment between them from the War of 1812.<sup>56</sup>

### **3. 1837: *Caroline* Case**

During much of the early 19th century, feelings of mistrust and animosity along America’s northern border remained a problem. These feelings were due to lingering bitterness over the War of 1812, boundary disputes, and British interference with U.S. shipping.<sup>57</sup> In addition to the bad feelings between them, an uprising in what is now Toronto “proclaimed a provisional government in 1837 and sought support in upstate New York for the insurrection.”<sup>58</sup> Americans were more than happy to accommodate the insurrection, because they hoped an “independent state to the north would open up economic opportunities for U.S. citizens, and some even hoped that Upper Canada would become part of the United States.”<sup>59</sup> Therefore, U.S. Patriots gathered on the Navy Island in the Niagara River and commenced a campaign to disrupt British rule in Canada. Ultimately, this combination of feelings and events culminated in another conflict in 1837, whereby the British soldiers stormed a U.S. merchant vessel (*Caroline*) at Navy Island; they scuttled, burned, and sunk the ship, killing an American citizen in the process. This conflict forced the governments of Great Britain and the United States to work out their differences through international letters, which gradually eased the strain between them. Thirty years later, Canada gained its independence and some of those economic opportunities were realized as trade began to move easier across the U.S.-Canada border.<sup>60</sup>

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<sup>55</sup> Sullivan, Bernhardt, and Ballantyne, “The Canada-United States Boundary,” <http://www.internationalboundarycommission.org/docs/ibc-2009-01-eng.pdf>.

<sup>56</sup> Ibid.

<sup>57</sup> John E. Noyes, “The Caroline: International Law Limits on Resort to Force,” in *International Law Stories*, ed. John E. Noyes, Laura A. Dickinson, and Mark W. Janis (New York: Foundation Press, 2007), 264.

<sup>58</sup> Ibid., 265.

<sup>59</sup> Ibid.

<sup>60</sup> Noyes, “The Caroline,” 263–265.

#### **4. 1880–1946: U.S. Immigration and Naturalization Service and Border Patrol**

After the United States and Great Britain reconciled the *Caroline* issue and Canada became a state in 1867, a long lull in U.S.-Canada border tension prevailed until immigration became a problem in the late 19th century. Before the 1880s most immigrants entered the United States through several sea ports along the East Coast, but American policies of the late 19th century forced immigration changes.

As the United States began to impose more stringent immigration rules at its own ports of entry, even more immigrants ... chose to travel via Canada to avoid the trouble and delay of U.S. immigrant inspection. By the 1890s, steamship companies began to advertise passage through Canada as a more desirable route for immigrants who wished to avoid U.S. inspectors... This evasion of immigrant inspection spurred the U.S. government to action.<sup>61</sup>

In 1894, the American and Canadian governments made agreements to ensure that only legally vetted individuals would be permitted access to the United States. These restrictions applied to transportation by sea or rail, and the agreements allowed the U.S. Immigration Service to have inspectors at key locations within Canada. In 1895, the Immigration and Naturalization Service stationed agents along the land border, and it began tracking individuals who received admittance through a “Certificate of Admission.”<sup>62</sup> Ultimately, concerns about immigration, fueled by populist politics in an age of increasing economic change and distress, prompted the United States to “build and operate the bureaucratic machinery necessary to document the many thousands who entered at points along its northern border.”<sup>63</sup> At the time, these practices were unprecedented, but now it is the standard approach to border control in the United States and, indeed, throughout the world.<sup>64</sup>

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<sup>61</sup> Marian L. Smith, “By Way of Canada: U.S. Records of Immigration Across the U.S.-Canadian Border, 1895-1954 (St. Albans Lists),” *Prologue Magazine* 32, no. 3 (Fall 2000), 193.

<sup>62</sup> Smith, “By Way of Canada,” 194.

<sup>63</sup> *Ibid.*, 192.

<sup>64</sup> Smith, “By Way of Canada,” 192–199.

In the United States, concerns of illegal border crossings grew to include rum-runners, spies, and agents-provocateurs. Prohibition actually prompted Congress to split the INS in order to create the U.S. Border Patrol in 1924 to handle “[i]llegal entries and alien smuggling.”<sup>65</sup> More importantly, “[w]ith war brewing in Europe in the 1930s, immigration took on a new, prescient quality: not only was immigration a matter of economics, it was also becoming a matter of national security.”<sup>66</sup> Therefore, the United States decided to clamp down on immigration. In 1939, the United States mandated that all Canadians must have passports to enter the country.<sup>67</sup> The following year, the INS had doubled in size to meet its added wartime responsibilities, because the Canadian border was viewed as a problem by American political elites. President Roosevelt, who tasked the INS with “securing [the] borders against enemy aliens,” recognized the risks posed to the American people from a border environment that did little to restrict the flow of potential enemies into the United States.<sup>68</sup>

While U.S. border restrictions were beefing up, there was also a call from the American people to cooperate with their northern neighbors to protect the continent against foreign aggressors. The outcome was the 1940 Ogdensburg Agreement, which was proposed by President Roosevelt to enhance military cooperation between the U.S. and Canada, and it resulted in the Permanent Defense Board.<sup>69</sup> The United States understood the importance of a military partnership with Canada for its protection, but the U.S. did not fully trust Canada to effectively safeguard the shared border. Therein, lies the dichotomy of American security policies with Canada seen even in today’s modern threat environment. In fact, 1940 typifies how Americans can in one instance imply that Canada created a security weakness on the border, but at the same time acting as a friend and partner with Canada for the broader security of the region. Regardless of

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<sup>65</sup> U.S. CBP, “U.S. INS – Populating a Nation,”  
[http://www.cbp.gov/xp/cgov/about/history/legacy/ins\\_history.xml](http://www.cbp.gov/xp/cgov/about/history/legacy/ins_history.xml).

<sup>66</sup> Ibid.

<sup>67</sup> Drache, *Borders Matter*, 128.

<sup>68</sup> U.S. CBP, “U.S. INS – Populating a Nation,”  
[http://www.cbp.gov/xp/cgov/about/history/legacy/ins\\_history.xml](http://www.cbp.gov/xp/cgov/about/history/legacy/ins_history.xml).

<sup>69</sup> Drache, *Borders Matter*, 129.

the mixed messages sent by the Americans, there was a new sense of cooperation between the United States and Canada, which showed their relationship moving away from aggression and toward modern allies.

## **B. A PERIOD OF GOOD NEIGHBORS**

For some time after World War II, Americans dissatisfied with the official policies and practices that led to wartime internment camps prompted a significant retrenchment in U.S. northern border security policies. The Displaced Persons Act of 1948 and the Refugee Relief Act of 1953 effectively forced the borders open. To the extent that Americans thought at all of their borders in this period, they focused on the southern border and the huge influx of illegal immigrants coming from Mexico. The northern border was almost abandoned to its own devices; while emigrants came to the United States by way of Canada, as a population, they did not attract much official or popular interest. For a few years, people, goods, and ideas easily traversed the northern border, which helped the United States and Canada begin their economic integration process and cultivate the new “continental defense” concept, significantly easing border tensions between them. However, the onset of the Cold War brought this period to an abrupt end.<sup>70</sup>

### **1. 1947: General Agreement on Tariffs and Trade**

The first significant evidence that economic integration and trade relations were improving after World War II was seen at the end of the 1940s. Countries worldwide, realizing the economic failures of the interwar period, recognized the importance of international fair trade practices, which led to the 1947 General Agreement on Tariffs and Trade (GATT). The United States and Canada were two of its initial participants. The GATT, under U.S. leadership, decreased trade barriers and increased economic partnerships among 23 countries, and it strengthened the U.S.-Canada relationship by fostering an advantageous economic environment along the border. In the GATT’s infancy, a surge of cooperation occurred between the United States and Canada, but its

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<sup>70</sup> U.S. CBP, “U.S. INS – Populating a Nation,”  
[http://www.cbp.gov/xp/cgov/about/history/legacy/ins\\_history.xml](http://www.cbp.gov/xp/cgov/about/history/legacy/ins_history.xml).

“momentum stalled very early into the post-war economic recovery, and there was widespread pessimism and frustration with the GATT process throughout the 1950’s.” Most of that time Canada and the United States enjoyed the GATT’s mutually beneficial relationship, but they occasionally found that they did not see eye-to-eye on a variety of trade issues ranging from lumber, fish, grain, and pork to ice cream and alcohol. As these disputes arouse, they went before a GATT council for resolution, which as one would expect did not always satisfy both parties. However, for the most part, the GATT was responsible for improving U.S.-Canadian relations and reducing restrictions at the border.

## **2. 1949: North Atlantic Treaty Organization**

The North Atlantic Treaty Organization was created in 1949, with an eye toward stabilizing Western Europe and resisting Soviet expansion. Since its inception, NATO has been a collective defense organization that draws on the collective military assets and political processes of its members. The United States, Canada, and Great Britain were all founding members who wanted “a vigorous collective effort and an asymmetrical sharing of burdens and responsibilities.”<sup>71</sup> Actually, at first, Canada almost did not join NATO even after originally suggesting its concept, because so many Canadians felt that they did not want to be dragged into another European conflict. Canada also felt globally secure due to its relative geographic isolation. However, the rising threat of communism and the desire to remain among the leading states of the Euro-Atlantic world kept Canada in the pact. In fact, Canada insisted on including language in the North Atlantic Treaty that ultimately became Article 2. By its terms, NATO was designed to “strengthen [members’] free institutions and cooperate for the general welfare” of them all.<sup>72</sup> This article gave rise to habits of political consultation and internal conflict management that have not only preserved the alliance but also have given real traction to its cooperative, collective, and even integrative ambitions, as well as its capacity to expand after the Soviet threat disappeared.

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<sup>71</sup> Thies, *Friendly Rivals*, xiv.

<sup>72</sup> Paul H. Chapin, *Security in an Uncertain World: A Canadian Perspective on NATO’s New Strategic Concept* (Ottawa: Canadian Defence and Foreign Affairs Institute, 2010), 20.

Today, NATO consists of 28 independent member countries that have frequently shown mutual distrust, animosity and varying degrees of craftiness over the years when it comes to burden-shifting their security requirements, but not at the expense of the alliance. Wallace Thies wrote: “NATO members seek to convince their allies to accept burdens that they themselves prefer to avoid but cannot openly shirk for fear their example will be emulated by their partners, thereby jeopardizing the alliance that all value highly.”<sup>73</sup> Burden-shifting is simply the way in which the NATO alliance does business, because it mitigates the effects of short-term policy flirtations and counteracts the short-attention-span problem that some countries have, namely the United States. However, burden-shifting can be seen as a problem sometimes. For example, although the Canadians have played the burden-shifting game as enthusiastically as any NATO member, it has occasionally affected the trust and security environment with the Americans along their shared border. On the other hand, strong U.S.-Canada partnerships were nurtured in the NATO context, which provided a strong foundation for further cooperation between them, specifically militarily.<sup>74</sup>

### **3. 1951: North American Aerospace Defense Command**

The American and Canadian military cooperation, particularly in regard to continental defense, is most vivid in the joint U.S.-Canada efforts conducted at North American Aerospace Defense Command (NORAD). As early as 1951, the Americans and Canadians started consolidating their air defense systems in order to counteract the emerging Soviet threat. By 1957, a new level of trust was achieved between the allies when they agreed to integrate operational control of the air defense systems, moving security measures away from the shared border and pushing them out to the continental borders instead. The following year, NORAD was established and formalized. Periodic international agreements have ensured that this joint institution has remained relevant and in operation, and they highlight the lasting commitment shared by the two nations. For

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<sup>73</sup> Thies, *Friendly Rivals*, 8.

<sup>74</sup> *Ibid.*, xiv-8.

example, at the onset of the 1960s, NORAD oversaw the “first continent-wide exercise” conducted by the allies; however, the alliance has not always been in perfect sync.<sup>75</sup>

American political goals and the Canadian weariness of those goals have always been factored into the NORAD equation. In fact, there were times when the international agreements for NORAD showed explicit divergence in national security policies. For instance, when the NORAD Agreement was renewed in 1968, it “specifically affirmed that Canada would not be committed to participate in an active ballistic missile defense,” which was quite the opposite of what the United States wanted.<sup>76</sup> However, the vast majority of these continental defense policies meshed cohesively together during the post-war period. NORAD made this level of military cooperation possible, even with doubts as to the other party’s ultimate goals and looming U.S. security concerns over the Cold War.<sup>77</sup>

### **C. COMPETING VIEWS OF BORDER RESTRICTIONS**

As the Cold War heated up, border security became a hot topic in Washington once again. By the mid-1950s, a movement to increase border restrictions was well underway. This movement was primarily in response to concerns that “post-war policies were letting criminal aliens, communists, subversives and organized crime figures enter or remain in the United States along with legitimate refugees.”<sup>78</sup> Therefore, the American public sentiment, fueled by alarm and rooted in knee-jerk reactions, supported intensified border security efforts. As policies eventually changed in Washington, border restrictions were enhanced, complicating trade between the United States and Canada. Of note, this spike in border security slowly faded—and was nearly erased—by the end of the

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<sup>75</sup> North American Aerospace Command, “NORAD Chronology, North American Aerospace Defense Command, (n.d.), [http://www.norad.mil/about/NORAD%20History\\_ENGLISH.pdf](http://www.norad.mil/about/NORAD%20History_ENGLISH.pdf).

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> U.S. CBP, “U.S. INS – Populating a Nation,” [http://www.cbp.gov/xp/cgov/about/history/legacy/ins\\_history.xml](http://www.cbp.gov/xp/cgov/about/history/legacy/ins_history.xml).



20th century. As these border restrictions disappeared, trade improved along the border allowing American and Canadian economic cooperation to intermingle and thrive.<sup>79</sup>

### **1. 1950s–1989: Tentative Economic Integration**

During the late 1950s, economic integration and trade relations continued to slowly strengthen. However, U.S. security concerns prompted border restrictions, creating tension with Canada, because hindered cross-border traffic impedes cross-border trade. In addition to border restrictions, tension also resulted from a lack of trade legislation between the allies. While the GATT did manage to decrease some trade barriers, there were other barriers that needed additional legislation. One example was the 1965 Auto Pact “that allowed for greater integration of automobile production.”<sup>80</sup> In fact, the Auto Pact gave a boost to the Canadian auto industry by providing greater access to the market; streamlined production costs for General Motors, Ford, and Chrysler who were working on both sides of the border; and “created a tariff-free region for automotive trade.”<sup>81</sup> The Auto Pact’s only drawback was that it tied the American and Canadian economies more closely together by linking their fortunes in the success or failure of the auto industry. However, the threat of failure was minimal in 1965. At that time, the Auto Pact was viewed as a blessing because it rejuvenated the sluggish Canadian economy, but more recently the struggling U.S. auto industry was a curse for Canada, because American problems became Canadian problems.

By and large, these minor trade tensions of the mid-20th century were slowly overcome, because of globalization that instigated increased cooperative legislation between the United States and Canada. John H. Sigler and Charles F. Doran wrote:

Elements of continuity will continue to guide the formations of foreign policy in each polity vis-à-vis each other and the remainder of the system. But elements of change may predominate, not because of choice in either

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<sup>79</sup> U.S. CBP, “U.S. INS – Populating a Nation,” [http://www.cbp.gov/xp/cgov/about/history/legacy/ins\\_history.xml](http://www.cbp.gov/xp/cgov/about/history/legacy/ins_history.xml).

<sup>80</sup> C. Sands, “The Changing of the Guard,” *International Journal* 60, no.2 (2005), 486.

<sup>81</sup> Gary C. Hufbauer and Jeffery J. Schott, *NAFTA Revisited: Achievements and Challenges* (Washington, DC: Institute for International Economics, 2005), 367.

Ottawa or Washington, but because the structure of the international system will not permit extensions of the status quo.<sup>82</sup>

In addition, the United States gradually lost interest in northern border security, again, which eased border restrictions and strengthened partnerships along the shared border by enhancing trade for both countries. These feelings of partnership only intensified over the ensuing years. By the 1980s, ad-hoc agreements between the Canadians and Americans were formalized. In some cases, “Canadian provincial governments were invited to participate in regional meetings of governors such as the ... Great Lakes Governors and the New England Governors Association ... [and] in meetings of the Conference of State Legislators, and in the Council of State Governments.”<sup>83</sup> Ultimately, these cooperative efforts coalesced into the implementation of the 1989 Canada-United States Free Trade Agreement (FTA), whereby the tempo of bilateral cooperative efforts increased dramatically.<sup>84</sup>

## **2. 1989: Canada-United States Free Trade Agreement**

The Canada-United States Free Trade Agreement was designed to remove tariffs and enhance existing trade partnerships. In the process, both governments hoped to “strengthen the unique and enduring friendship between their two nations.”<sup>85</sup> Initially, opponents to the agreement were concerned that it would chip-away at Canadian sovereignty. Some even felt that “[t]he country would lose its independence and be forced to adopt a wide range of policies that mirrored those of the United States.”<sup>86</sup> In the long-run, the majority of Canadians understood that the FTA would strengthen their economy, so they willingly accepted the costs. The primary cost to the Canadians was vulnerability to U.S. markets, which became “more important than the domestic market

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<sup>82</sup> John H. Sigler and Charles F. Doran, “Twenty Years After: Change and Continuity in United States-Canada Relations,” in *The United States and Canada: Enduring Friendship, Persistent Stress*, ed. John H. Sigler and Charles F. Doran (Englewood Cliffs, NJ: Prentice Hall, 1985), 249.

<sup>83</sup> Sands, “The Changing of the Guard,” 488.

<sup>84</sup> *Ibid.*, 486–88.

<sup>85</sup> World Trade Law, “Canada—United States Free Trade Agreement: Preamble,” (n.d.), <http://www.worldtradelaw.net/nafta/cusfta.pdf>.

<sup>86</sup> Bradley J. Condon and Tapen Sinha, *Drawing Lines in Sand and Snow: Border Security and North American Economic Integration*, (New York: M. E. Sharpe, 2003), 9.

for many Canadian manufactures.”<sup>87</sup> This short-term consequence was quickly overcome by the long-term benefit of easier access to trade with largest free-market in the world. Additionally, the United States benefitted from the tariff cuts because U.S. exports grew by 70 percent.<sup>88</sup> Of note—even with the export increases—the importance of the FTA was only marginal to the United States while its criticality was hotly contested in Canada.<sup>89</sup> This divergence in priorities foreshadows the role that trade came to play in later border security issues.

### **3. 1994: North American Free Trade Agreement**

Mexico soon realized that it wanted its piece of the continental free-trade pie, so in 1994 the FTA was superseded by the North American Free Trade Agreement (NAFTA). Ratifying this agreement came with some new challenges. Canada feared losing some of its “preferential access” in the U.S. market, which caused the Canadians to fight for a trilateral agreement rather than two bilateral agreements. The Canadian government wanted to prevent a situation where the United States could trade with Canada and Mexico independently, because it would create a “hub-and-spoke situation that could have a negative impact on Canada’s ability to attract foreign direct investment.”<sup>90</sup> In the end, NAFTA was structured as a trilateral agreement, and it resulted in greater integration by all its members—albeit limited in some cases—and more regional economic strength on the world stage.

Although NAFTA created economic benefits, it also highlighted some security challenges, which came in the form of immigration and cross-border security. Immigration issues were primarily focused on the Mexico-U.S. border, and it was only of marginal concern on the Canada-U.S. border during the 1990s. This marginalization was due in large part to the costs associated with transportation delays for just-in-time production of goods. Excessive border security created barriers to efficient trade that

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<sup>87</sup> Condon and Sinha, *Drawing Lines in Sand and Snow*, 9.

<sup>88</sup> David R. Francis, “Canada Free Trade Agreement,” *The National Bureau of Economic Research*, (n.d.), <http://www.nber.org/digest/sep01/w8293.html>.

<sup>89</sup> Condon and Sinha, *Drawing Lines in Sand and Snow*, 9.

<sup>90</sup> *Ibid.*, 10.

seemed unacceptable at that time. Therefore, as NAFTA eased trade restriction between the members, it became obvious that easing border security on the Canada-U.S. border was necessary.<sup>91</sup>

#### **D. THE BORDER, FRONT AND CENTER**

The tail end of the 20th century revealed the U.S.-Canada border at its height of bi-national cooperation. Antipathy between the allies seemed to be a thing of the past. Instead, the United States and Canada wrestled with different approaches to bring their two countries closer together. Open trade and security partnerships, with some exceptions, were the order of the day. Therefore, a number of international agreements were instituted for the benefit of both economies, but these agreements lacked teeth. For the most part, these international agreements were just words, because they did not have the full support of both governments behind them. However, most of the agreements were measured steps toward a more open and cooperative border. Then the terror attacks of 2001 occurred and everything changed, again.

##### **1. 1995: Shared Border Accord**

The 1995 Shared Border Accord was signed by the United States and Canada to reduce the border security burden on the allies. It was designed to “create a border that [was] flexible enough to accommodate our economic interests and permit ... the health and safety of our citizens.”<sup>92</sup> In addition, the accord delineated the commitments of both governments in support of this cooperative goal. They agreed to preserve the shared border’s “open character while protecting [the] communities.”<sup>93</sup> The allies also wanted to enhance their partnership while ensuring fiscal responsibility to their citizenry. Clearly, there was a joint desire to alleviate trade barriers and a willingness to accept some vulnerability to that end. Most of the remaining international agreements of the late 1990s served the same purpose.<sup>94</sup>

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<sup>91</sup> Condon and Sinha, *Drawing Lines in Sand and Snow*, 25–38.

<sup>92</sup> Citizenship and Immigration Canada, “Canada-United States Accord on Our Shared Border: Update 2000,” (n.d.), <http://publications.gc.ca/collections/Collection/Ci51-95-2000E.pdf>, under “Government of Canada Publications.”

<sup>93</sup> Ibid.

<sup>94</sup> Citizenship and Immigration Canada, “Canada-United States Accord on Our Shared Border,” <http://publications.gc.ca/collections/Collection/Ci51-95-2000E.pdf>.

## **2. 1996: Illegal Immigration Reform and Immigrant Responsibility Act**

One reform, the *1996 Illegal Immigration Reform and Immigrant Responsibility Act*, attempted to increase immigration restrictions to the United States. The Act was in response to intense political pressure from American constituents concerned with inadequate immigration policies during a recession. The Act was intended to maintain records of the flow of individuals crossing U.S. borders, and it was designed to “provide evidence that individuals deported for felony crimes had actually left the country, and could subsequently be denied re-entry.”<sup>95</sup> The reality of the Act turned out to be much different. It imposed identification requirements that slowed traffic at border crossings. These requirements seemed at odds with the principles proposed by NAFTA and the 1995 Shared Border Accord, which resulted in a negative response from the Canadians. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ultimately prompted Ottawa to push for a series of bilateral talks between the United States and Canada that would enhance trade policies and limit further restrictions.<sup>96</sup>

## **3. 1997: Border Vision Initiative and Cross-Border Crime Forum**

In 1997, Canada attempted to pacify U.S. concerns regarding immigration reform by instituting new Citizenship and Immigration Canada (CIC) programs. Two of these programs were the Border Vision Initiative and the Cross-Border Crime Forum, which were both coordinated with the U.S. Immigration and Naturalization Service. The Border Vision Initiative was intended “to increase cooperation and intelligence exchanges for combating illegal migration.”<sup>97</sup> In support of that initiative, the Cross-Border Crime Forum (CBCF) facilitated law enforcement partnerships between the United States and Canada to “address transnational crime issues such as organized crime, counter-terrorism,

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<sup>95</sup> Christopher Sands, “The Canada Gambit: Will it Revive North America?,” *Hudson Institute*, March 2011, <http://www.hudson.org/files/publications/Canada%20Gambit%20Web.pdf>.

<sup>96</sup> Sands, “The Canada Gambit,” 8–9.

<sup>97</sup> Stephen Clarkson, *Does North America Exist?: Governing the Continent After NAFTA and 9/11* (Toronto: University of Toronto Press, 2008), 372.

smuggling, economic crime and other emerging cross-border threats.”<sup>98</sup> Participants in the CBCF ran the gambit of crime fighting entities from local law enforcement to federal agencies on both sides of the border, and the Cross-Border Crime Forum included the previously untested concept of Integrated Border Enforcement Teams in its program. Although experimental in 1997, these IBETs have become an essential component of modern organized crime fighting operations, and they have resulted in innovative collaboration models and sophisticated investigation techniques that span the shared border. Each of these programs bolstered international cooperative efforts through institutional partnerships, which continued to be enhanced by additional programs in the following years.

#### **4. 1999: Canada-U.S. Partnership Forum**

The Canada-U.S. Partnership Forum (CUSP) was a joint effort that was put forth by American and Canadian policy makers in 1999. Its purpose was to help foster dialogue between the two countries on a variety of border management issues. The CUSP conducted two meetings in 2000 that provided a lot of ideas, but limited cooperative results. These “meetings were unprecedented for the U.S.-Canada border in terms of the number and variety of senior leaders from the public and private sector who participated and the integrated approach taken to border issues.”<sup>99</sup> Some of the border management topics of interest included: standardization policies, the application of resources, new technologies such as smart-cards, limitations on transportation network efficiencies, the proper placement of enforcement activities, the application of risk management techniques, and the concept of a “common perimeter.” As a result of the meetings, the CUSP identified four primary objectives:<sup>100</sup>

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<sup>98</sup> Public Safety Canada, “Canada and the United States Discuss Border and Law Enforcement-Related Issues at the 12<sup>th</sup> Cross-Border Crime Forum in Ottawa, Public Safety Canada,” March 2, 2012, <http://www.publicsafety.gc.ca/media/nr/2012/nr20120302-eng.aspx>.

<sup>99</sup> Bureau of Western Hemisphere Affairs, “Canada-U.S. Partnership Forum Report: Building a Border for the 21st Century,” December 2000, [http://www.state.gov/www/regions/wha/0012\\_cusp\\_report.html](http://www.state.gov/www/regions/wha/0012_cusp_report.html).

<sup>100</sup> Bureau of Western Hemisphere Affairs, “Canada-U.S. Partnership Forum Report: Building a Border for the 21st Century,” December 2000, [http://www.state.gov/www/regions/wha/0012\\_cusp\\_report.html](http://www.state.gov/www/regions/wha/0012_cusp_report.html).

1. CUSP should meet on a recurring basis in order to foster partnerships and assess mutual progress made.
2. Cooperation between agencies should increase and best practices need to be identified and implemented.
3. Policies need to be assessed by governments in order to determine inefficiencies.
4. Legislation needs to be enacted that ensures proper resource allocation and bi-national cooperation.

Unfortunately, the CUSP Forum was unable to meet its first objective, because after the two meetings the program ended.<sup>101</sup>

Two Canada-U.S. Partnership Forum meetings did not constitute a successful program, but they did provide a pit stop on the road to future bi-national efforts. Like so many well-intentioned programs, the commitment and interest in the CUSP Forum waned until it was ultimately replaced. This was a great example of how federal programs have failed to provide long-term solutions to the shared border even though concerns over border cooperation and security endure. The demise of programs such as the Canada-US Partnership Forum may foreshadow fading American interest and the evaporation of federal resources needed for border security in the future. It also suggests the need for other institutions to pick up the mantle of cooperative security at the shared border.

#### **E. POST-9/11 PERIOD: THE PRIMACY OF AMERICAN SECURITY**

American and Canadian border security priorities instantly changed after the 2001 terrorist attacks on the United States. Efforts to ease trade across the shared border abruptly ceased while the United States took a hard look at its security vulnerabilities. Not to be seen as part of the problem, Canada initially jumped on the American security-first bandwagon, but Canadians soon tired of the border restrictions that were impeding trade. In addition, Canadians were not happy with the treatment that they received at the hands of the aggressive and sometimes antagonistic American security establishment. Therefore, the Canadians began to step back from their border security posture and refocus their efforts on easing trade restrictions with the United States again. Americans,

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<sup>101</sup> Ibid.

on the other hand, seemed willing to forgo efficient trade with Canada in order to satisfy what it considered border security weaknesses. By 2005, some efforts were made to revitalize cross-border cooperation, but a lack of commitment by both parties permitted the efforts to stall. At the time, Americans were still not ready to loosen their border security grip, which continued to frustrate the Canadians who wanted trade restrictions reduced. Finally, ten years after the terror attacks, Americans were willing to come to the table in earnest to reestablish stronger economic partnerships with Canada. Although border security concerns were still the priority for the United States, a subtle shift toward minimizing trade restrictions was beginning.

### **1. 2001: Smart Border Declaration**

Shortly after September 11, 2001, the Smart Border Declaration, another jointly sponsored government initiative was institutionalized. The Canadian and American border czars of the time quickly drew-up a proposal that consisted of four pillars. These included securing the flow of people, goods, and infrastructures while improving information sharing and coordination between the two countries. There was also a robust 30-point action plan associated with the declaration that covered a wide range of topics from biometrics to integrated intelligence and joint training exercises. Andre Belelieu, an author for the Center for the Strategic and International Studies, suggested that the “bilateral agreement instantly became the de facto framework for ensuring the world’s longest undefended border remained secure, while facilitating the flow of people, goods, and services, and was a key component in the larger homeland security goal of creating a zone of confidence against terrorist activity, while causing minimal damage to the world’s largest trading relationship.”<sup>102</sup>

Several American and Canadian legislative bills were passed that the Smart Border Declaration supported. In the United States, the Patriot Act was enacted and whose purpose was stated “to enable law enforcement officials to track down and punish

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<sup>102</sup> Andre Belelieu, “Canada Alert: The Smart Border Process at Two: Losing Momentum?,” *Hemisphere Focus* XI, no. 31 (December 2003).



those responsible for the attacks and to protect against any similar attacks.”<sup>103</sup> In addition, the U.S. established the Department of Homeland Security under the Homeland Security Act of 2002. Canada mimicked some of the U.S. legislation by passing the Immigration and Refugee Protection Act and the Anti-Terrorism Act. These Canadian Acts gave “Ottawa and police agencies new powers to deport, detain and prosecute citizens and non-citizens based on police suspicion of their ethnic background and association with immigrant communities.”<sup>104</sup> In both countries these Acts were highly contested, but still enforced. Unfortunately, the Smart Border Declaration was not up to the task to support these new Acts, so it did not last. The momentum faded for the declaration due to changing governmental leadership, newly developed security initiatives, and questionable intelligence sharing techniques. In the end, the Smart Border Declaration fizzled out and was reinvented as the Security and Prosperity Partnership of North America (SPP).<sup>105</sup>

## **2. 2002: Cooperative Backsliding Due to the Arar Case**

Probably the single most detrimental event that tested the partnership and commitment to modern security practices between the U.S. and Canada was the Maher Arar case. The knee-jerk legislation of 2001 to 2002 enacted by both countries contributed to the circumstances surrounding the case because they provided the framework for the U.S. apprehension of Maher Arar, a Canadian citizen. In 2002, Arar was detained at New York’s Kennedy Airport by INS agents as he returned home to Montreal from vacation in Tunisia. At the time, the United States suspected Arar of terrorist affiliations, so he was deported to the Middle East, not to the American’s close ally—Canada. Regrettably, Arar was detained and allegedly tortured over the next year and finally released in 2003 after signing a false confession.

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<sup>103</sup> U.S. Library of Congress, Congressional Research Service, *The USA PATRIOT Act: A Legal Analysis*, by Charles Doyle, CRS Report RL31377 (Washington, DC: Office of Congressional Information and Publishing, April 15, 2002).

<sup>104</sup> Drache, *Borders Matter*, 134.

<sup>105</sup> Belelieu, “Canada Alert,” [http://csis.org/files/media/csis/pubs/hf\\_v11\\_31.pdf](http://csis.org/files/media/csis/pubs/hf_v11_31.pdf); U.S. Library of Congress, Congressional Research Service, *United States-Canada Trade and Economic Relationship: Prospects and Challenges*, by Ian F. Fergusson, CRS Report RL33087 (Washington, DC: Office of Congressional Information and Publishing, October 13, 2006), 20.

Three aspects of the Arar case highlight some of the border security challenges that both governments faced as a result of 9/11. First, Canadian civil liberties came into question due to new American legislation. Canadians feared that the U.S. would “use its new array of police, investigative, and immigration powers to deport naturalized Canadian citizens back to their birthplace, without consulting the Canadian government until it is a *fait accompli*.”<sup>106</sup> Second, the Americans proved their willingness to send Canadians to countries “well known for torturing their prisoners,” which did not sit well with their citizens.<sup>107</sup> Third, and most poignant, the United States clearly did not trust the Canadians to effectively deal with security risks themselves. The combination of these factors proved distrust existed between the allies, and they revealed how precarious the U.S.-Canada border security relationship had become. These factors also exposed the nature of American politics at the time, which was to act on security first and then ask questions later. Unquestionably, the Arar case would cast doubt on all subsequent American security policies along the U.S.-Canada border.<sup>108</sup>

### **3. 2005: Security and Prosperity Partnership of North America**

In 2005, the leaders of Canada, Mexico, and the United States endorsed a trilateral initiative called the Security and Prosperity Partnership of North America. Although it was never a formally signed agreement, it did create an additional forum for cooperation in addition to NAFTA and update the Smart Border Declaration. The purpose of the SPP program was to improve cooperative security measures while enhancing economic commitments between the members. The SPP met annually from 2005 to 2009 to discuss its mandates, assess progress, and revise its goals. For example, the 2007 SPP summit identified five priorities that included: (1) Enhancement of the Global Competitiveness of North America, (2) Safe Food and Products, (3) Sustainable Energy and the Environment, (4) Smart and Secure Borders, and (5) Emergency Management and Preparedness. Obviously, some of these goals were covered under previous plans, but as those plans disappeared, this one took their place. In some cases, the states acted individually to implement targeted

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<sup>106</sup> Belielieu, “Canada Alert,” [http://csis.org/files/media/csis/pubs/hf\\_v11\\_31.pdf](http://csis.org/files/media/csis/pubs/hf_v11_31.pdf).

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

infrastructure improvements under the auspices of the SPP. Again however, even after the declared commitment to the initiative by each of the countries, the program just evaporated with the changing political tides in 2009.<sup>109</sup>

#### **4. 2011: Beyond the Border**

Contemporary U.S.-Canada border security is characterized by *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*, which is the most recent action plan initiated. In 2011, President Obama and Prime Minister Harper declared that Americans and Canadians “share responsibility for the safety, security, and resilience of the United States and of Canada in an increasingly integrated and globalized world. [They] intend to address security threats at the earliest point possible in a manner that respects privacy, civil liberties, and human rights.”<sup>110</sup> The plan focuses on five key areas, which include: addressing threats early; trade facilitation, economic growth, and jobs; cross-border law enforcement; critical infrastructure and cyber-security; and managing our new long-term partnership. All of these areas have been addressed in previous plans, but the difference is the new primacy of the trade relationship along the border, which is more in line with Canada’s border goals.

The Canadians have long considered the facilitation of trade to be the most important aspect of the U.S.-Canada border partnership. The Americans have taken a different approach to border security. The U.S. has spent a decade determined to lockdown border security by throwing inordinate amounts of resources at the issue. In today’s fiscally restrained environment, the United States can no longer operate in this manner. Therefore, the 2011 *Beyond the Border* declaration indicates a changing of the tide, at least for the Americans. The plan reveals an American retrenchment from its previous border security policies. Essentially, under the auspices of a perimeter approach to security, both federal

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<sup>109</sup> U.S. Library of Congress, Congressional Research Service, *Security and Prosperity Partnership of North America: An Overview and Selected Issues*, by M. A. Villarreal and J. E. Lake, CRS Report RS22701 (Washington, DC: Office of Congressional Information and Publishing, January 22, 2010).; U.S. Library of Congress, Congressional Research Service, *United States-Canada Trade and Economic Relationship: Prospects and Challenges*, by Ian F. Fergusson, CRS Report RL33087 (Washington, DC: Office of Congressional Information and Publishing, October 13, 2006).

<sup>110</sup> The Office of the President of the United States, *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness* (Washington, DC: White House, 2011).

governments' security strategic goals are becoming more aligned by shifting their resources and/or priorities away from direct border security and toward trade.

An important question remains for the latest bi-national border security plan. Will it be lost amid ever changing political wills or in response to fickle public opinion? Many of the previous plans have not endured due to an uncommitted populous and inconsistent politics. Maybe *Beyond the Border* will last, because there are several initiatives presently underway. On the other hand, many past initiatives have been started that do not gain permanent traction. Either way—one thing is for certain—there is currently a robust action plan in effect that is pushing border security focus away from the shared border and emphasizing the enhancement of economic prosperity between the two countries.

## **F. CONCLUSION**

Throughout the history of the U.S.-Canada border there has been one consistent theme, the border relationship ebbs and flows, but generally it tends to become more cooperative in nature. Periods of animosity have been replaced by periods of cooperation more than once. These border relationship fluctuations were often the result of an unpredictable American security response to some world event, which forced Canada to react in kind. The military, immigration, and trade have all played a role in these fluctuations. Each time one of these events occurs, the two countries seem to improve on their existing partnerships overall. The security-first mindset used by many in Washington today is only the latest example of a fluctuation in that border security relationship. However, the most recent U.S.-Canadian international agreement, *Beyond the Border*, may signal the beginning of a new period in reduced border restrictions between the allies. Regardless, if history is any indicator for the future, it is only a matter of time before the U.S.-Canada border is fully open for business again.

### III. CANADA PREFERS TRADE

We have addressed ... threats to our society in a way that has strengthened the open nature of our country—open to immigrants from around the world and respectful of differences among us. Our prosperity is directly linked to this openness and to our ability to flourish in an increasingly interdependent world.

—Canadian Prime Minister Paul Martin (2004)<sup>111</sup>

For 200 years, the Canadians have been dealing with frequent and sometimes jarring policy shifts from their southern neighbor as the United States jostles between security interests and trade priorities. Canadian policymakers have become experts at riding out these American policy storms. Over the long-term, Canadian policy elites have inched their way toward better trade relations by cleverly leveraging burden-shifting techniques to the benefit of all those who reside along the border, American northern states included.

Even in the aftermath of the tragedies of September 11, 2001, which profoundly impacted Canadians and Americans alike, the initial focus on stepped-up security has once again slowly given way to new and stronger trade partnerships between the two countries. Initially, the Canadians were torn between showing solidarity with the American people by supporting tighter border security initiatives and interjecting their own views of the critical importance of efficient trade to their own economy. Eventually supporting American security policies won the day, but “[t]he political scramble to ‘do something’ about leaky borders ... slowed and complicated North American economic integration.”<sup>112</sup> Canadians soon tired of the inconvenience, expense, and overall burden that the border had become. Once again, Canadians pushed the United States to make trade more seamless along the shared border, which has contributed to more cost-effective and integrated systems becoming institutionalized between them. Today it appears that their efforts have paid off, because

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<sup>111</sup> Canada Privy Council Office, *Securing an Open Society: Canada’s National Security Strategy*, (Ottawa: National Library of Canada, 2004).

<sup>112</sup> Peter Andreas, “A Tale of Two Borders: The U.S.-Mexico and U.S.-Canada Lines After 9-11,” *The Center for U.S.-Mexican Studies*, May 15, 2003, <http://www.escholarship.org/uc/item/63r8f039>.

the United States has begun to forgo some of its more stringent security policies in the interest of greater trade relations with Canada.

#### **A. CANADIAN BORDER SECURITY NEED**

[A]s I have said before, a threat to the United States is a threat to Canada, to our trade, to our interests, to our values, and to our common civilization.

—Canadian Prime Minister Stephen Harper (2011)<sup>113</sup>

The last decade has proven difficult for the Canadian government, because it has struggled to determine the correct level of security to administer along the U.S.-Canada border. Canada's border security problems began in the days directly following the terror attacks, but they continue today. Initially, Canada was forced to succumb to intrusive American security controls, which essentially locked down the border. Eventually, people and commerce began to flow again, and Canada resumed hope that the worst of the border security issues were behind them. That is until the *9/11 Commission Report* "recommended that security along the Canadian and Mexican borders be tightened."<sup>114</sup>

The *9/11 Commission Report* forced Canada to reevaluate its border security dealings with the United States. From that point on, Canada has worked with its U.S. ally to improve the security situation along the shared border. Security posts on both sides on the border that once stood empty were manned and controlled. In addition, new Canadian institutions were created to manage expanding border priorities. Eventually, several bilateral agreements took shape to deal with the trade concerns growing in both countries, but they stalled. Throughout this time, Canadians were basically dragged along the American security path while trying desperately to understand it. One Canadian scholar remarked, "American policy toward its northern neighbor has been hard to label in the post-9/11 period."<sup>115</sup>

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<sup>113</sup> Stephen Harper, "Remarks by President Obama and Prime Minister Stephen Harper of Canada in Joint Press Availability," *The White House: Office of the Press Secretary*, February 4, 2011, <http://www.whitehouse.gov/the-press-office/2011/02/04/remarks-president-obama-and-prime-minister-stephen-harper-canada-joint-p>.

<sup>114</sup> Stéfanie von Hlatky and Jessica N. Trisko, "Sharing the Burden of the Border: Layered Security Co-operation and the Canada-US Frontier," *Canadian Journal of Political Science* 45, no. 1 (March 2012): 70.

<sup>115</sup> *Ibid.*

Today, border management policies are a predominant issue among Canada's citizenry and policymakers alike. They argue about how much border security is appropriate and whether supporting American security policies is in Canada's best interest. Most believe that prudence dictates cooperation with U.S. border security policies, because it is better to be seen as part of the solution rather than part of the problem. On the other hand, Canadians also believe that a balance must be found with Americans regarding cumbersome border security measures that do little more than impede efficient trade. Ultimately, Canadian policymakers have felt obligated to support many of the security policies put forth by their ally to the south. However, the priority for average Canadian citizens—most of whom reside somewhere along the border—want security to take a backseat to trade, because it is the lifeblood of their economy.

### **1. Security Policy Conflicts among Canadian Elites**

If trade is critical to the Canadian government, how is the current administration affecting border security? Essentially, there are two schools of thought that appear to be in direct contradiction. First, there are Canadians who argue that increased border security equals decreased efficiency in trade. Second, there are Canadians who argue that increased security does not negatively affect trade.

Increasing border security results in decreased trade is the more widely accepted viewpoint. Many Canadians fear that if Canada succumbs to the American security-first mentality, then the result would be border restrictions that slow trade with their largest trading partner, the United States. Alexander Moens and Nachum Gabler highlight these concerns:

The negative consequences from 9/11 have become deeply entrenched and have led to a new 'security-first' orientation that now permeates most branches of the US government, notably the Department of Homeland Security, and has widely infused itself into the mindset of elected representatives in Congress concerning Canada-US border and security issues.<sup>116</sup>

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<sup>116</sup> Alexander Moens and Nachum Gabler, "The Costs of the Canada-US Border," *Fraser Forum*, January/February 2012, 25.

They go on to argue that these types of policies lead to “border thickening,” which is “the phenomenon whereby national borders become increasingly impermeable to travelers and commercial shippers as a result of multiple layers of security enhancing procedures.”<sup>117</sup> Ultimately, they suggest that if trade slows, it becomes less efficient and more expensive to move goods and people between the two countries.

Another author with similar viewpoints to those of Moens and Gabler is Daniel Drache. For many Canadians, his assessment sums-up the border security situation:

[T]he border is expected to operate like a Kevlar vest, stopping everything in its path, without hindering the free movement of goods and services. What an abrupt turnaround from an age of free trade when openness was everything and security only a secondary consideration. Of course, it can’t be both, a security-tight border and a border geared for commerce with minimum restrictions at the same time. Eventually one must dominate the other.<sup>118</sup>

Some Canadians argue that increased border security has a negligible effect on trade with the United States. In fact, Michael Burt conducted a study that indicated that even with increased border security there was “no significant effect on trade volumes” between the two countries.<sup>119</sup> However, he does admit that “any higher costs associated with increased security appear to be being borne by businesses,” which of course translates into higher costs to consumers and a decrease in demand for the goods.<sup>120</sup>

Regardless of the costs, some Canadians maintain the premise that “security is a top priority.”<sup>121</sup> Danielle Goldfarb and William Robson, are chief among them:

The border will only remain open if U.S. leaders know that Canada treats the security of Americans no less seriously than it treats the security of Canadians. The federal government should announce loudly and unequivocally that maintaining a free flow of goods across the Canada-

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<sup>117</sup> Moens and Gabler, “The Costs of the Canada-US Border,” 25.

<sup>118</sup> Drache, “Borders Matter,” 88.

<sup>119</sup> Michael Burt, “Tighter Border Security and Its Effect on Canadian Exports,” *Canadian Public Policy* 35, no. 2 (2009): 150.

<sup>120</sup> Ibid.

<sup>121</sup> Danielle Goldfarb and William Robson, “Risky Business U.S. Border Security and the Threat to Canadian Exports: The Study in Brief,” *C.D. Howe Institute Commentary*, no. 177 (March 2003), ProQuest (216588624).



U.S. border is an integral part of its efforts to enhance North American physical and economic security.<sup>122</sup>

Even though this viewpoint has less popular support, it is the current Canadian government's position to support American security interests. This position accomplishes two things. It acknowledges and acts upon American concerns for the need of increased border security, which ultimately fosters stronger trade ties with the United States.

## **2. Canada's Focus on Trade**

Our government's top priority is the economy—creating jobs, growth and long-term prosperity for Canadian workers, businesses and families.

—Canadian Minister of International Trade Ed Fast (2012)<sup>123</sup>

Canada's economy has been highly dependent on trade with the United States for a long time, which is why so much of the political interaction that takes place between Canada and the United States centers on it. In fact, according to Daniel Drache, "Canadian governments have always treated border politics first and foremost as a pragmatic issue, as a means to provide access to the U.S. market."<sup>124</sup> That is why September 11, 2001, has had such a profound impact on Canadian policymakers. These policy elites have had to embrace American border security interests that were in direct contradiction to many of the border policies employed since NAFTA was signed between the allies. Throughout the past decade, Canada has attempted to regain the pre-9/11 border efficiencies, but American unilateralism has given way to more and more border security requirements. Canadians have responded—often with disapproval—but have ultimately given in to American pressures in this regard. But how long would Canadians continue to accept this arrangement?

There was a combination of events that took place soon after 9/11 that revealed a growing disparity between Canadian and American border policies. In 2004, Drache

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<sup>122</sup> Goldfarb and Robson, "Risky Business," ProQuest (216588624).

<sup>123</sup> Foreign Affairs and International Trade Canada, "Harper Government Launches Next Phase of Canada's Pro-Trade Plan for Jobs, Growth and Long-Term Prosperity," May 29, 2012, [http://www.international.gc.ca/media\\_commerce/comm/news-communiques/2012/05/26a.aspx?lang=eng&view=d](http://www.international.gc.ca/media_commerce/comm/news-communiques/2012/05/26a.aspx?lang=eng&view=d).

<sup>124</sup> Drache, *Borders Matter*, 12.

claimed that a “highly visible strategic and ideological gap has opened between the two neighbors.”<sup>125</sup> The first event was the Maher Arar case in 2002, which challenged the Canadian’s civil liberties and sovereignty, and it revealed that American political elites did not trust Canada with their security. The second event was more cumulative in nature. It resulted from increasingly insufferable border impediments that slowed the movement of goods and people across the border, thereby raising costs to businesses and consumers which hindered the Canadian economy. Steven Globerman and Paul Storer claimed:

The available evidence on costs has tended to focus on the direct and indirect consequences of longer and less predictable waiting times for shipments to cross from Canada into the United States. Longer waiting times contribute to increased expenditures on variable inputs such as fuel and drivers’ hours, as well as more rapid depreciation of trucks and related capital equipment.<sup>126</sup>

These events caused ripple effects throughout the Canadian economy, which were only exacerbated by the 2008 economic crisis that affected both sides of the shared border. The culmination of these events and Washington’s developing interest in “a more efficient border” demanded policy action by Canadian elites.<sup>127</sup> Therefore, Canadian policymakers seized upon the opportunity to “[initiate] a new perimeter security agreement with the United States to reduce the impediments to border flows and improve trade.”<sup>128</sup>

Today, Canadians have embraced globalization, which has opened up new opportunities for trade in other parts of the world. In fact, Canada has begun to forge new trade alliances in Asia and the Americas. Canada’s lead institution for developing economic strategy, the Department of Foreign Affairs and International Trade (DFAIT), is looking outward “beyond [the] borders for economic opportunities that serve to grow

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<sup>125</sup> Drache, *Borders Matter*, 20.

<sup>126</sup> Steven Globerman and Paul Storer, “Border Security and Canadian Exports to the United States: Evidence and Policy Implications,” *Canadian Public Policy* 35, no. 2 (June 2009): 172.

<sup>127</sup> Stéfanie von Hlatky, “The Rhetoric and Reality of Border Policy Coordination Between Canada and the U.S.,” *International Journal* 67, no. 2 (Spring 2012): 440.

<sup>128</sup> *Ibid.*

Canada's trade and investment."<sup>129</sup> At present, DFAIT is undertaking an ambitious Global Commerce Strategy that focuses on creating free trade agreements with countries around the world, and DFAIT is committed to "[s]ecure and deepen the commercial relationship with the United States through enhanced advocacy and management of trade irritants."<sup>130</sup> These ambitious plans and strategies have drawn the United States out of its security-first shell and back to the bargaining table. Hence the result, the 2011 *Beyond the Border* action plan.

## **B. CANADIAN STRATEGIES AND INSTITUTIONS**

Until fairly recently Canadians did not have a published security policy. Today there are many strategies that Canadians employ to express their concerns for security. While they make a good showing of plans to manage today's cantankerous threat environment, they are little more than words. A decade ago—directly after the 9/11 terror attacks—these documents may have been more fervently supported, but now the Canadian emphasis is focused on ensuring trade flows as unencumbered as possible while security is molded appropriately to support this effort. It is true that Canadians have created new security bureaucracies, supported numerous security initiatives, and continually discuss new ideas and the importance of border security with their American counterparts in Washington, but most of these actions are fairly hollow in practice. Ultimately, Canadians do what they must to keep trade moving.

### **1. The Canadian Security and Trade Strategies**

The Canadian security and trade strategies reveal a government struggling to figure out how to exert its power over uncharted territory that has been nearly monopolized by the United States in all the years leading up to September 11, 2001. On

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<sup>129</sup> Foreign Affairs and International Trade Canada, "Value of Exports for Job Creation, Economic Growth and Long-term Prosperity," December 11, 2012, [http://www.international.gc.ca/commerce/strategy-strategie/export\\_fs-fd\\_exportation.aspx?lang=eng&view=d](http://www.international.gc.ca/commerce/strategy-strategie/export_fs-fd_exportation.aspx?lang=eng&view=d).

<sup>130</sup> Foreign Affairs and International Trade Canada, "Our Priorities: Priorities for 2012-2013," February 21, 2013, [http://www.international.gc.ca/about-a\\_propos/priorities-priorites.aspx?view=d](http://www.international.gc.ca/about-a_propos/priorities-priorites.aspx?view=d).

the other hand, Canada's trade strategies are robust, at least in terms of regional trade concerns.

**a. Canada's National Security Policy (2004)**

Ottawa's security policies, similar to Washington's strategies, are multilayered. Each one building on ideas and principles derived from Canada's first National Security Policy. Written in 2004, *Securing an Open Society: Canada's National Security Policy* "articulates core national security interests and proposes a framework for addressing threats to Canadians."<sup>131</sup> In addition, Canada's National Security Policy was "crafted to balance the needs for national security with the protection of core Canadian values of openness, diversity and respect for civil liberties," which sounds a lot like balancing open trade with security.<sup>132</sup>

The policy also mentions several key measures, one of which is border security. Front and center in the first paragraph of the Border Security Chapter is their border priority. It states "Management of our borders is in keeping with the need to facilitate trade and travel, while preventing high-risk travelers and cargo from entering Canada through air, land, and marine ports."<sup>133</sup> This statement implies that security is subject to the efficiency of trade, which is at odds with American border priorities. The United States firmly considers security the priority, but trade has certainly grown in importance recently as seen in the U.S.-Canada 2011 *Beyond the Border* action plan. Either way, this document does acknowledge Canada's commitment to border security.

Oddly, the Canada's 2004 national security policy has yet to be updated. What does this omission indicate about Canada's concern for border security? It could be interpreted that Canada wanted to appear determined to support U.S. security policies of the time, but complete inaction to update the Canada's security policy for nine years suggests that its importance as a policy is minimal at best. Otherwise, Canadian

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<sup>131</sup> Canada Privy Council Office, *Securing an Open Society: Canada's National Security Strategy*, 2004.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

policymakers would find the time to ensure its relevance in an ever changing threat environment. Therefore, this document was written to placate U.S. security concerns of the day, and not much more.

**b. *Advantage Canada (2006)***

Canada's economic strategy titled *Advantage Canada: Building a Strong Economy for Canadians* "is a strategic, long-term economic plan designed to improve [the] country's economic prosperity both today and in the future."<sup>134</sup> Canada's economic strategy was written two years after its national security strategy but two years *before* the country produced a defense strategy. This fact highlights Canada's priority of economics over security.

Canadian economic concerns are particularly focused on the facilitation of efficient and open trade with the United States. Canada's economic strategy states:

Strategically located gateways and border crossings play a vital role in fostering Canada's competitiveness. The bulk of our trade with the rest of the world flows through a number of key gateways and border crossings. For example, 28 per cent of merchandise shipments between Canada and the United States pass through the Windsor-Detroit Corridor ... Our national economy—and our ability to compete and succeed on the world stage—are highly dependent on the efficiency of these gateways to world markets.<sup>135</sup>

The Advantage Canada policy underscores how Canada sees its national economy as a key aspect of its national health and, arguably, its national security. It also traces the contours of the disagreement on this point between Canadian and American views. Trade and security are not in opposition in the Canadian perspective, but Canada and the United States might be if Washington continues to disregard the serious ramifications that its post-9/11 border policies have had.

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<sup>134</sup> Department of Finance Canada, *Advantage Canada: Building a Strong Economy for Canadians* (Ottawa: Distribution Centre Department of Finance Canada, 2006).

<sup>135</sup> Ibid.

**c. *Canada First: Defence Strategy (2008)***

Two years after staking its claim to the primacy of trade concerns, Canada produced the *Canada First Defence Strategy*, intended to be a 20-year plan for the Canadian forces. The goal of the Canadian defense strategy is to combine a “state-of-the-art military” and its industry into a powerhouse that can deliver security “within Canada, North America and globally.”<sup>136</sup> The strategy states:

[It] will enable the Forces to meet the Government’s commitments and address the full range of [defense] and security challenges facing Canada now and into the future. This strengthened military will translate into enhanced security for Canadians at home as well as a stronger voice for Canada on the world stage.<sup>137</sup>

Lastly, the defense strategy is meant to be complementary to Canada’s trade strategy (*Advantage Canada*), and it is meant to “help position Canadian companies for success in the global marketplace.”<sup>138</sup> According to the *Canada First Defence Strategy*, “Its infusion of long-term, stable funding will ... make better use of investments in capital and technology, and become more effective players in the supply chains of the world’s primary defense equipment manufacturers.”<sup>139</sup> Ultimately, Canada’s defense strategy reveals a sustained interest in improved state and regional security. Part of that security will be accomplished through industry and stronger trade practices.

**d. *Beyond the Border Action Plan (2011)***

In 2011, Canada managed to combine its security and economic concerns into one document. The document, *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*, was a joint effort by the United States and Canada. Each head of state pronounced their long-term commitment to “working together, not just at the border, but beyond the border to enhance our security and

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<sup>136</sup> Canadian Department of National Defence, *Canada First Defence Strategy*, (Ottawa: Canadian Department of National Defence, 2008).

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

accelerate the legitimate flow of people, goods and services.”<sup>140</sup> The Canadians have been waiting a decade for the *Beyond the Border* action plan, because it signals a shift in border priorities by the United States. While security is still the priority within Washington, trade has certainly gained importance. Ultimately, this action plan bodes well for Canadians who emphatically desire the efficient movement of trade above all else.

## **2. Canada’s Border Security Institutions**

Canada’s border security institutions are the Canada Border Services Agency, the Royal Canadian Mounted Police, and the Canadian Coast Guard. These institutions contribute to the U.S.-Canada Integrated Border Enforcement Teams (IBET). They work in conjunction with U.S. agencies like the U.S. Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and the local and state American police forces. According to the Canada-United States IBET Threat Assessment 2010, “These multi-agency intelligence-led enforcement teams augment the integrity and security of the border by identifying, investigating and interdicting individuals and organizations that pose a threat to the security of both nations.”<sup>141</sup> Even if Canada’s primary concern is trade along the border, they have supported U.S. border security priorities by cooperating with American security institutions along the border, but not to the same level as their U.S. counterparts.

### ***a. Canada Border Services Agency***

The Canada Border Services Agency (CBSA) was created to show and act upon the Canadian’s need to be seen doing something along the border shortly after the 9/11 terror attacks, and today it is one of Canada’s leading agencies involved in the Integrated Border Enforcement Teams with the United States. The agency began in earnest in 2003 by combining three of Canada’s previous organizations (customs,

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<sup>140</sup> The Office of the President of the United States, *United States-Canada Beyond the Border*, 2011.

<sup>141</sup> Royal Canadian Mounted Police, “Canada-United States IBET Threat Assessment 2010: Reporting on Year 2009,” July 22, 2011, <http://www.rcmp-grc.gc.ca/ibet-eipf/reports-rapports/2010-threat-menace-eng.htm>.

immigration, and food/plant/animal inspection). The CBSA was mandated to administer “integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods.”<sup>142</sup> As of 2012, the CBSA employed approximately 13,000 people that operated at land border crossings, airports, marine ports, and rail sites. They denied more than 50,000 people entry into Canada that same year. Interestingly, the CBSA reports to Public Safety Canada, which also began in 2003. Public Safety Canada is similar to the Department of Homeland Security in the United States, because it “was created ... to ensure coordination across all federal departments and agencies responsible for national security and the safety of Canadians.”<sup>143</sup>

There is clearly a correlation between the terror attacks in 2001 and Canada’s need for the CBSA. But is Canada’s need for the institution as strong today as it was in 2003? Probably not, but in order to prove that Canadians remain committed to border security with the Americans the institution will remain relevant.

***b. Royal Canadian Mounted Police***

The Royal Canadian Mounted Police (RCMP) is an integral part of Canada’s national security framework. As a national police force, much of their focus is geared toward public safety throughout the provinces of Canada, along the U.S.-Canada border, and on the Great Lakes. The RCMP’s responsibilities “include: national security criminal investigations, protective policing, border integrity, critical infrastructure protection, marine security, air carrier protection, critical incident management and a host of related support services.”<sup>144</sup> One of the RCMP’s top priorities is terrorism, and it attempts to “prevent, detect, deny and respond to criminal activity in relation to national

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<sup>142</sup> Canada Border Services Agency, “About Us: Mandate,” July 14, 2011, <http://www.cbsa-asfc.gc.ca/agency-agence/who-qui-eng.html>.

<sup>143</sup> Public Safety Canada, “About Us,” November 13, 2012, <http://www.publicsafety.gc.ca/abt/index-eng.aspx>; Canada Border Services Agency, “About Us,” July 14, 2011, <http://www.cbsa-asfc.gc.ca/agency-agence/who-qui-eng.html>; and Canada Border Services Agency, “National Statistics – January 1, 2012 to December 31, 2012,” February 1, 2013, <http://www.cbsa-asfc.gc.ca/agency-agence/stats/2012/2012-ann-eng.html#mtab2>.

<sup>144</sup> Royal Canadian Mounted Police, “National Security Criminal Investigations Program,” June 2, 2011, <http://www.rcmp-grc.gc.ca/ns-ci-ecsn/index-eng.htm>.



security with the primary focus of gathering evidence for criminal prosecution.”<sup>145</sup> Finally, the RCMP contributes to the Integrated Border Enforcement Teams, which offer bi-national support that helps to accomplish its missions.

*c. Canadian Coast Guard*

The Canadian Coast Guard is responsible for maritime security and enforcement along Canada’s thousands of miles of coastline and throughout the Great Lakes and St. Lawrence Seaway system. The Coast Guard partners with the RCMP and the Department of National Defence for the Marine Security Operation Centers in their areas of responsibility. In addition, they “help detect, assess and support the response to any threat to marine security that could affect the safety, security, environment or economy” of Canada.<sup>146</sup> The Canadian Coast Guard is an active member of the Shiprider Program, which Secretary Napolitano has characterized as “a critical security partnership between the United States and Canada, improving our cross-border operations.”<sup>147</sup> Ultimately, the Canadian Coast Guard is a highly integrated component of the Canadian maritime team, and it helps boost cooperation between the United States and Canada on the Great Lakes and St. Lawrence Seaway.

**C. CANADIAN POLICY IMPLEMENTATION PRACTICES**

Like Pavlov’s dogs, Canada has been trained to react to American unilateralist policy shifts. This response—however it plays out in Canada—has allowed the country to reap great rewards, because it is the largest trading partner with the most powerful economy in the world. In effect, Canada’s political elites have willingly bowed to American security whims in order to keep this esteemed arrangement going. At least it appears that way on the surface.

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<sup>145</sup> Royal Canadian Mounted Police, “Strategic Priorities,” March 22, 2012, <http://www.rcmp-grc.gc.ca/prior/index-eng.htm>.

<sup>146</sup> Canadian Coast Guard, “Canadian Coast Guard: At a Glance,” August 12, 2011, [http://www.ccg-gcc.gc.ca/Publications/CCG-At-A-Glance#Maritime\\_Security](http://www.ccg-gcc.gc.ca/Publications/CCG-At-A-Glance#Maritime_Security).

<sup>147</sup> Alex Binkley, “Shiprider Program Reaches the Commons,” *Canadian Sailings*, December 7, 2009, 32.

Canadian acquiescence is not without dissent. There are many who would gladly alter the security implementation policies to something more in line with Canadian interests and less akin to American priorities. Regardless, today's Canadian political elites have decided to align themselves with American security policies in hopes of strong ongoing trade partnerships and future economic rewards. Therefore, Canadians deal with the United States through continentalism, because America is its largest trading partner. Interestingly, a shift in Canadian policy has begun whereby Canadians are exploring other trade markets and creating new free trade agreements throughout the globe.<sup>148</sup>

The current Canadian government, led by Prime Minister Stephen Harper, could be characterized as administering policy through the lens of continentalism. The joint effort between the United States and Canada to create a security perimeter around the two countries that benefits them both is an example of this policy. However, his government is also looking outside the United States for future trading partners. Ultimately, a Canadian foreign policy scholar, David Haglund, summed up Canada's policy strategy when he argued "that Canadian policy-makers since 1945 have sought to embed the country's 'America policy' within the broader confines of an internationalist agenda that could only be realized through the appropriation of American power to Canadian ends."<sup>149</sup>

Continentalism is only half of Canada's policy implementation strategy. The other half is more burden-shifting in nature—a habit learned in the decades of Canadian involvement in the North Atlantic Treaty Organization—since the NATO alliance took form in response to the emerging Cold War threats. According to Martial Foucault and Frédéric Mérand:

Presitige benefits are accrued when the act of contributing more than expected provides political capital and bargaining power in an organization. For example, Canada's ambitious strategy in Afghanistan

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<sup>148</sup> Refer back to Chapter One for clarification on Continentalism versus Internationalism.

<sup>149</sup> David G. Haglund, "The Comparative 'Continentalization' of Security and Defence Policy in North America and Europe: Canadian Multilateralism in a Unipolar World?" *Journal of Canadian Studies* 38, no. 2 (Spring 2004): 13.

has in part been shaped by the government's desire to punch above its weight at the NATO table and thereby acquire easier access to the Pentagon.<sup>150</sup>

Not only has Canada been a major contributor to the U.S. led coalition in Afghanistan, but it has also willingly accepted American policies for increased border security. The Canadians have even beefed up their own border security standards since September 11, 2001, by establishing the Canada Border Service Agency that employs over 7,000 officers that are stationed along the border today.<sup>151</sup> In other words, the Canadian's burden-shifting tactic in this case is to placate U.S. security concerns at the border and abroad in hopes of gaining bargaining strength with Washington regarding reducing barriers to trade. This tactic appears to be working because the *Beyond the Border* action plan has started to lift some of the barriers to trade that initially sprang up in response to the terror attacks by "[r]educing the administrative and paperwork burden on Canadian businesses ... which are the backbone of [their] economy."<sup>152</sup>

Not all Canadians buy into the idea that Canada is burden-shifting at the U.S.-Canada border. In fact, concepts such as burden-sharing, burden-shifting, and free-riding could be considered dirty words in some Canadian policy circles. Stéfanie von Hlatky and Jessica N. Trisko sum up this position best:

Canada does not simply undertake symbolic actions to minimize potential criticism from the United States. Neither does Canada shirk its responsibilities at the border. Rather, Canada-U.S. co-operation regarding border security is best explained in terms of an ongoing process of interest harmonization and a growing recognition that economic and security concerns at the border are two sides of the same coin.<sup>153</sup>

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<sup>150</sup> Martial Foucault and Frédéric Mérand, The Challenge of Burden-Sharing, *International Journal* 67, no. 2 (April 2012): 426.

<sup>151</sup> Canada Border Services Agency, "About Us: What We Do," March 27, 2012, <http://cbsa-asfc.gc.ca/agency-agence/what-quoi-eng.html>.

<sup>152</sup> Embassy of the United States, "United States, Canada Harmonize Threshold Value For Low Value Commercial Shipments, January 9, 2013, <http://canada.usembassy.gov/news-events/2013-news-and-events/january-2013-news-and-events/9-january-2013-united-states-canada-harmonize-threshold-value-for-low-value-commercial-shipments.html>.

<sup>153</sup> Stéfanie von Hlatky and Jessica N. Trisko, "Sharing the Burden of the Border: Layered Security Co-operation and the Canada-US Frontier," *Canadian Journal of Political Science* 45, no. 1 (March 2012): 69.

There is a flaw in their argument. What do they mean by “interest harmonizing?”<sup>154</sup> This turn of phrase is just a different way of saying burden-shifting.

In an attempt to remain relevant in the national security arena, Canadians have upped their support for American security interests in hopes of gaining political capital in Washington; even if doing so does not necessarily coincide with Canadian trade interests. In fact, Canada’s recent involvement in the Middle East supports this claim. No matter how one characterizes Canada’s shift toward border security, it is still the same thing because it was caused by a need to keep trade moving as freely as possible. In other words, it means supporting American security initiatives that increase border restrictions. If the United States did not expect a certain degree of support from their northern neighbors, would Canada have enacted security policies and created institutions that contribute to “thickening’ of the border?”<sup>155</sup> Of course not, because the free flow of trade was and is Canada’s priority. Essentially, Canadians would have maintained the status quo, not increased border restrictions on their own accord.

Ultimately, burden-shifting has been a part of Canadian foreign policy for decades, and there is no reason to assume that this practice will not continue. Recent proof abounds in the Canadian restructuring and realigning of their national security establishments in the hopes of currying favor with their American allies. Canadians know that sacrifices must be made to ensure that trade will flow at the border. They also know that efficiency can be improved upon with time.

#### **D. CONCLUSION**

The Canadian’s steadfast commitment to economic prosperity through North American partnerships has helped them trudge through waves of perplexing American security policies that in many Canadians’ view have done little more than interfere with trade at the shared border. In an effort to minimize the damage caused by U.S. unilateral security policies, Canadian policymakers have aligned themselves with Washington elites by administering security policies and creating institutions that reflect American interests.

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<sup>154</sup> Von Hlatky and Trisko, “Sharing the Burden of the Border,” 67.

<sup>155</sup> Goldfarb and Robson, “Risky Business,” ProQuest (216588624).

However, this is not simple acquiescence; it is cleverly disguised burden-shifting. While appearing to submit to American security impulses, the Canadians have slowly created a bureaucracy that acknowledges U.S. interests but furthers Canadian priorities. Over the last decade, Canada has slowly marched toward greater economic integration by reducing barriers to trade through policies like *Beyond the Border*. Today, Canadians are once again enjoying a more efficient border atmosphere thanks to their patients, burden-shifting tactics, and willingness to overcome the Americans' security-first mindset. The Americans are benefiting from these policy tactics as well, particularly American states directly along the border. But will this new border security trend that is so important to Canadians—and Americans too—last? Probably not, especially if another threat to U.S. national security is perceived by Americans to have been the result of waning security measures along the shared border.

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## IV. SECURITY-FIRST IN THE UNITED STATES

The Northern Border Strategy provides a unifying framework for the Department's work focused on enhancing the security and resiliency along our northern border while expediting travel and trade with Canada.

—DHS Secretary Janet Napolitano (June 5, 2012)<sup>156</sup>

The terror attacks of 9/11 terrified Americans into believing that they needed to clamp down on border security in order to feel safe. It caused fears of terrorist cells, biological weapons, WMDs, and countless unknown threats, which were possibly lurking just north of the U.S.-Canada border. Therefore, the American public was in a frenzy to lock down the northern border, regardless of the costs. In the process, the Canadians were dragged along with Washington's jarring policy shifts. Over the remainder of the decade, the Americans' hot blood slowly cooled, which in recent times has given way to easing border restrictions. However, make no mistake about it, Americans still crave security above all else.

### A. THE AMERICAN STRUGGLE WITH SECURITY AND TRADE

While Canada has, more or less since 1813, regarded its frontier with the United States as a matter of trade and commerce in the first instance, the United States today considers its northern border in terms of a problem for national security. Public opinion polls reveal that Americans believe that another terrorist attack is probable, which keeps "security issues in the front ranks of administration and congressional activity," and therefore, the emphasis of U.S. policy and practice on the U.S. border.<sup>157</sup> But will this fixation on security last? Although security continues to resonate with Americans, it appears that the winds of change are blowing. There is a renewed national commitment to improve U.S. economic standings at home and abroad. Therefore, the United States has

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<sup>156</sup> U.S. Department of Homeland Security, "Secretary Napolitano Announces DHS Northern Border Strategy," June 5, 2012, <http://www.dhs.gov/news/2012/06/05/secretary-napolitano-announces-dhs-northern-border-strategy>.

<sup>157</sup> Christophe J. Leroy, "Threat Perceptions in the United States and Canada: Assessing the Public's Attitudes Toward Security and Risk in North America," *Canada Institute*, October 2005, <http://www.wilsoncenter.org/sites/default/files/threats.pdf>.

begun to reassess its trade relations with its northern neighbors—and, thus, to redraw some of its policies and positions on the U.S.-Canadian border. This shift in priorities may leave a void in northern border security that someone will need to fill, and the U.S. northern border states are prime candidates.

## **1. U.S. Border Security Need**

The United States has undergone a security transformation over the last decade. The 9/11 Commission Report and three Quadrennial Defense Review (QDR) reports all identified border security as a weakness. The U.S. Government Accountability Office has reported that the northern border still suffered a lack of oversight and coordination, and a Subcommittee on Border and Maritime Security hearing echoed GAO findings. As of September 11, 2012, eleven years after the horrific terrorist attacks at the World Trade Center, the U.S. federal government was still able to identify many of the same security vulnerabilities highlighted in all the earlier reports and studies. Separately and as a group, these reports set out the continuing national security requirements that relate to the northern border—and the continuing struggle to meet them.

## **2. American Self-Assessment**

The 9/11 Commission Report was the U.S. government's attempt to take a critical view of its own security inadequacies. Border security was one of those inadequacies. In fact, the report revealed that before the 9/11 terrorist attacks the U.S. Congress did not consider the northern border a security threat:

Congress, with the support of the Clinton administration, doubled the number of Border Patrol agents required along the border with Mexico to one agent every quarter mile by 1999. It rejected efforts to bring additional resources to bear in the north. The border with Canada had one agent for every 13.25 miles. Despite examples of terrorists entering from Canada, awareness of terrorist activity in Canada and its more lenient immigration laws, and an inspector general's report recommending that the Border Patrol develop a northern border strategy, the only positive step was that the number of Border Patrol agents was not cut any further.<sup>158</sup>

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<sup>158</sup> *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (Washington, DC: U.S. Government Printing Office, 2004), 81.



During the 1990s, the United States was focused on the southern border. The beginning of that decade was a time for dramatic changes in immigration policies over the U.S.-Mexico border. Therefore, President Clinton decided that “[r]ather than apprehending people once they had entered the U.S., Border Patrol [would] stop them from entering at all.”<sup>159</sup> Since migration was primarily a southern border problem, his policy of deterrence was directed there. The northern border was not viewed in the same manner, so the border security resources naturally flowed south. This narrow view of border security overlooked the potential threat from terrorism that existed in Canada. In fact, the Canadian Security and Intelligence Service and U.S. intelligence agencies (FBI and CIA) were tracking people like the Jabara brothers, suspected al-Qaeda operatives, and Muhammed Harkat who was “believed to have helped Islamic militants from Afghanistan, Chechnya and Pakistan enter Canada illegally.”<sup>160</sup> These potential threats were all living or operating in Canada during the 1990s. Even though the American and Canadian authorities recognized the threat, they were not committed to dealing with it at that time. Instead, the American’s primary concern was southern immigration. To solve this security mismatch, the *9/11 Commission Report* recommended increasing the number of northern border agents and “undertaking a Joint Perimeter Defense program with Canada.”<sup>161</sup>

### **3. Washington’s Post-9/11 Shifting Border Security Approaches**

Since 2001, the United States has struggled to clarify its role in the border security arena. In fact, the last three Quadrennial Defense Review reports, written within ten years of each other, all prioritize border security differently as a national security threat. As the national interest regarding border vulnerabilities quickly grew in the wake of the 9/11 terror attacks, the United States acknowledged its importance in the 2001

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<sup>159</sup> National Immigration Forum, “Backgrounder: Southwest Border Security Operations,” (n.d.), <http://www.immigrationforum.org/images/uploads/SouthwestBorderSecurityOperations.pdf>.

<sup>160</sup> Robert M. Frank, “Threats and Responses: North American Arena Citing Arrest, Says Al Qaeda Is Operating in Canada,” *The New York Times*, December 17, 2002, <http://www.nytimes.com/2002/12/17/world/threats-responses-north-american-arena-ottawa-citing-arrest-says-al-qaeda.html>; Elaine Shannon, “Al-Qaeda Seeks Canadian Operatives,” *Time: U.S.*, July 8, 2003, <http://www.time.com/time/nation/article/0,8599,463428,00.html>.

<sup>161</sup> *The 9/11 Commission Report*, 186-87.

QDR. Released just weeks after the attacks, the QDR pointed out that “economic globalization and the attendant increase in travel and trade across U.S. borders has created new vulnerabilities for hostile states and actors to exploit by perpetrating attacks on the U.S. homeland.”<sup>162</sup> Unfortunately, the QDR implies that the vulnerabilities were something new and problematic. In response, the Department of Defense “announced the establishment of U.S. Northern Command (USNORTHCOM) to consolidate under a single unified command those existing homeland defense and civil support missions that were previously executed by other military organizations” in 2002.<sup>163</sup> Canada was essentially dragged along for the ride due to its partnership in NORAD, because NORAD and USNORTHCOM are both under the purview of U.S. command. Ultimately, the Department of Defense, in light of the 2001 QDR, recognized the importance of border security, made it a new priority, and coopted Canada to be a part of it.

Just one year after the establishment of U.S. Northern Command, the United States went to war with Iraq. The war in Afghanistan started shortly thereafter. Around the same time, the Department of Homeland Security came into being, which assumed the majority of responsibility for border security for the United States. These events changed the priorities listed in the 2006 Quadrennial Defense Review report. In fact, the 2006 QDR only skimmed over border security issues, because the United States’ primary focus was on the wars in Iraq and Afghanistan. Therefore, the Department of Defense adopted an offensive and overseas approach to homeland security, while DHS handled most of the security at home. This drastic shift in U.S. security focus forced Canada to reevaluate its foreign security interests as well. The Canadians now needed to work with the new Department of Homeland Security for the majority of border security concerns and the DoD for U.S. war efforts in Iraq and Afghanistan.

Over the next several years, public support for the wars in Iraq and Afghanistan significantly eroded. At that same time, some of the Department of Homeland Security’s weaknesses were revealed. For instance, the Transportation Security Administration had

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<sup>162</sup> U.S. Department of Defense, *Quadrennial Defense Review Report*, (Washington, DC: U.S. Department of Defense, September 30, 2001), 3-4.

<sup>163</sup> United States Northern Command, “U.S. Northern Command History,” (n.d.), [http://www.northcom.mil/About/history\\_education/history.html](http://www.northcom.mil/About/history_education/history.html), under “About USNORTHCOM.”

airline security lapses like Richard Reid, the shoe bomber, and Umar Farouk Abdulmutallab, the underwear bomber. In addition, according to a 2011 GAO report, the Customs and Border Protection still had “significant weaknesses” in their inspection processes at a number of points of entry.<sup>164</sup> These security weaknesses caused many Americans to question the Department of Homeland Security’s capability to effectively safeguard the American people.

Almost a decade after the terror attacks of 9/11, as the war in Iraq was drawing to a close and as the public confidence in the Department of Homeland Security was declining, the 2010 QDR sought to reprioritize the U.S. security concerns. It stated, “The Department will ... enhance defense relationships and continue to work with Canada in the context of regional security.”<sup>165</sup> Now the American policy makers’ focus had shifted to an emphasis on regional security, which was revealed in the 2011 U.S.-Canada *Beyond the Border* action plan that entailed a perimeter security approach. Yet again, the Canadians shifted their border security policy stance in order to stay in line with Washington elites. However, in this case, Canada was more than happy to oblige, because this action plan promoted economic competitiveness through easing trade restrictions, which was Canada’s primary policy concern all along.

American border security policy approaches have ebbed and flowed over the last decade. The decade began with Washington’s post-9/11 hardliner border security policies. Then U.S. policy makers shifted to addressing their security threats overseas. Washington’s most recent approach from 2011 focused on regional security. Each time, American policy makers expected the support and cooperation from the Canadians. The inconsistency of U.S. security policies during this period must have been challenging for the Canadian policy makers to contend with, not to mention baffling.

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<sup>164</sup> U.S. Government Accountability Office, *Border Security*, (2011).

<sup>165</sup> U.S. Department of Defense, *Quadrennial Defense Review Report*, (Washington, DC: U.S. Department of Defense, February 2010), 62.

#### 4. American Border Security Weaknesses Continue

On September 11, 2012, the Subcommittee on Border and Maritime Security held a hearing to evaluate the progress and problems of the U.S. border security enterprise. The mere fact that there is a Subcommittee on Border and Maritime Security suggests the importance of these issues to the American people, and it implies that the need for better border security still exists. Unfortunately, even today border security impediments are prevalent. One of the witnesses at the hearing, Charles K. Edwards who was the Acting Inspector General for the Department of Homeland Security, candidly discussed several institutional obstacles that remain problematic, particularly with respects to information sharing between different law enforcement agencies at the borders. Edwards pointed out that “DHS officers at any of the 327 air, sea, or land border ports of entry have to access as many as 17 different DHS systems to verify the identity and evaluate the admissibility of foreign nationals seeking to enter the United States.”<sup>166</sup> This process “hinders border security officers in their efforts to verify or eliminate links to ... terrorism.”<sup>167</sup> Essentially, information sharing issues make controlling border access into the United States more difficult for U.S. border agents and easier for hostile actors like terrorists to circumvent the system.

Additional hindrances to U.S. border security operations are unmet critical infrastructure needs and resource allocation challenges, which exacerbates the information sharing problems for the various border security entities. For example: “Some CBP Officers ... use only mobile devices that lack the bandwidth and access to multiple databases that desktop terminals provide” while operating in the field.<sup>168</sup> This insufficient on-scene connectivity is problematic for the U.S. agents at the various points of entry, because it interferes with their ability to “check travel documents to identify potential fraudulent or stolen passports, visas, or other travel documents before admitting

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<sup>166</sup> U.S. Department of Homeland Security, *Statement of Charles K Edwards Acting Inspector General U.S. Department of Homeland Security: Before the Subcommittee on Border and Maritime Security: Committee on Homeland Security: U.S. House of Representatives* (Washington, DC: Office of Inspector General, 2012), 3.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

an individual to enter the United States.”<sup>169</sup> Compounding the issues of critical infrastructure is poor resource allocation. A 2012 DHS OIG report (OIG-12-39) recommended that redundant databases like the National Security Entry-Exit Registration System should be “terminated” to save money.<sup>170</sup> If the Department of Homeland Security were to eliminate some of their duplicate screening programs, lacking border security infrastructure problems could be reduced.

The biggest hindrance to the Department of Homeland Security’s operations is mission overlap. The Office of Inspector General for DHS pointed out that “missions that overlap between ICE HSI [U.S. Immigration and Customs Enforcement Homeland Security Investigations] and the U.S. Border Patrol on the northern and southern border have been a source of concern since the establishment of DHS.”<sup>171</sup> Reducing any sort of redundancy would bring costs to the Department of Homeland Security, which would help alleviate financial constraints for other key challenges like inadequate infrastructure.

The takeaway from the Subcommittee on Border and Maritime Security hearings was that Washington still has its critical eye on border security. It also freely admits that there are numerous institutional problems that require significant work to improve security practices at the borders. Therefore, the Department of Homeland Security is on the hook to make those improvements happen.

## **5. Is Northern Border Security Worth the Cost?**

With all the problems and changes required by the Department of Homeland Security, is all the effort worth the costs to improve security along the northern border? Maybe it is, but apprehensions are down along the U.S.-Canada border. However, staffing and budgets have steadily increased over the same period for U.S. agencies that operate there, but some of their budgets have dipped recently.

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<sup>169</sup> U.S. Department of Homeland Security, *Statement of Charles K Edwards Acting Inspector General U.S. Department of Homeland Security: Before the Subcommittee on Border and Maritime Security: Committee on Homeland Security: U.S. House of Representatives* (Washington, DC: Office of Inspector General, 2012), 2.

<sup>170</sup> U.S. Department of Homeland Security, *Information Sharing on Foreign Nationals: Border Security*, (Washington, DC: Office of Inspector General, 2012), 7.

<sup>171</sup> *Ibid.*, 15.

Table 1 provides illegal immigrant apprehension statistics from 1970 to 2010, and it includes CBP and ICE data for the entire country. Table 1 reveals that illegal immigrant apprehensions are on a serious decline since 2000. It also reveals that “apprehensions were at their lowest level since 1972.”<sup>172</sup> These are only national level statistics, so do they resemble the northern border statistics? In fact, they do. Table 2 reveals a fairly steady decline of apprehensions along the northern border since 1999.

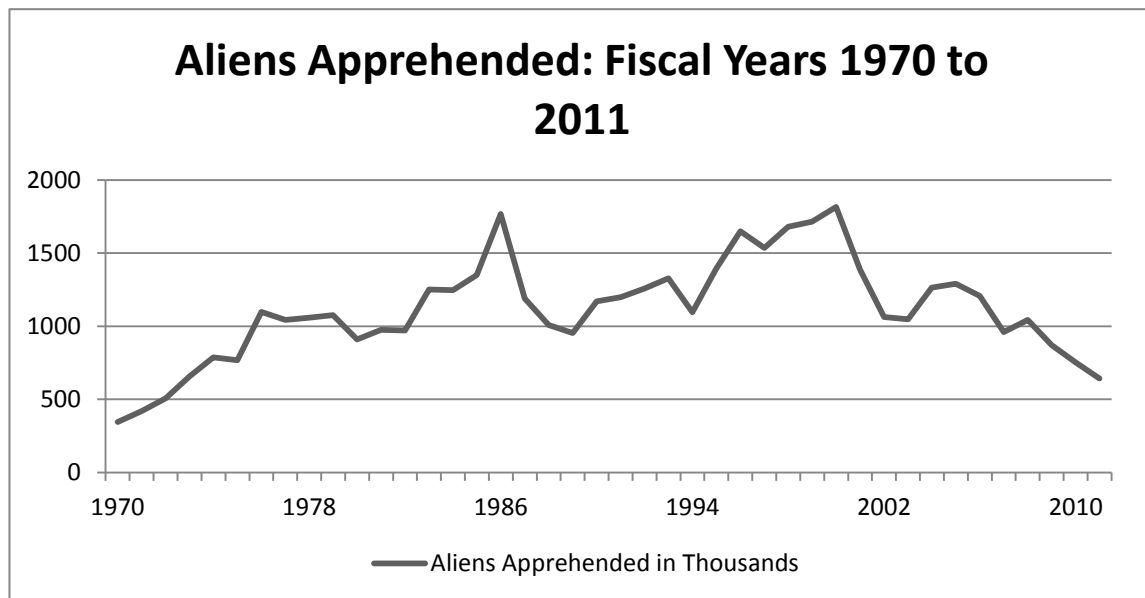


Table 1. Aliens Apprehended: Fiscal Years 1970 to 2011<sup>173</sup>

Table 2 also reveals that apprehension levels were nearly double what they are today on one quarter of the budget. It could be argued that the extra funding allocated to border security during the last several years has contributed to the reduction in apprehensions, because there are simply less people attempting to illegally cross the

<sup>172</sup> Lesley Sapp, “Apprehensions by the U.S. Border Patrol: 2005—2010,” *Department of Homeland Security*, July 2001, <http://www.dhs.gov/xlibrary/assets/statistics/publications/ois-apprehensions-fs-2005-2010.pdf>.

<sup>173</sup> Table 1 includes: 1. Apprehensions refer to Border Patrol apprehensions and ICE arrests. 2. It encompasses the 15 months from July 1, 1975 to September 30, and 1976 because the end date of the fiscal years was changed from June 30 to September 30. It also includes the beginning of 2008 regarding all administrative arrests conducted by ICE ERO. U.S. Department of Homeland Security, “2011 Yearbook of Immigration Statistics,” September 2012, [http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois\\_yb\\_2011.pdf](http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf).

border with the added border security staff. On the other hand, Table 2 may also reveal a waste of limited resources, namely funding, because it does not appear that there is any more bang for the buck. Either way, this chart appears to indicate that the United States has reached a point of diminishing returns for its ability to reduce apprehensions while increasing funding and staffing levels.

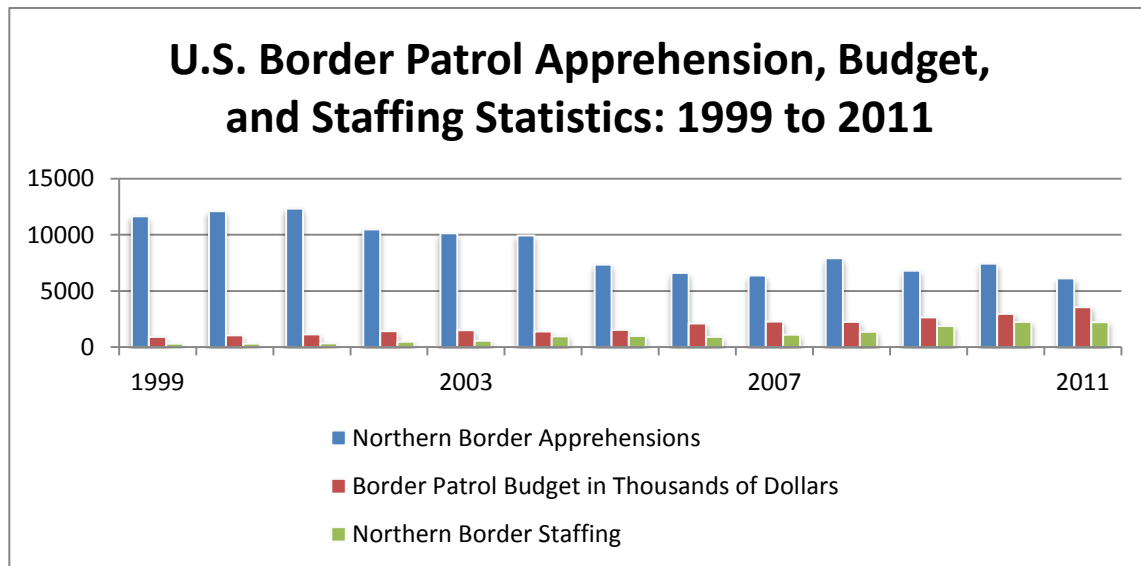


Table 2. U.S. Border Patrol Apprehension, Budget, and Staffing Statistics: 1999 to 2011<sup>174</sup>

If the federal government is at a point of diminishing returns, then logic dictates that funding decreases will be on the horizon for agencies involved with northern border security. Points of fact, two of the three main agencies—the U.S. Coast Guard and Immigration and Customs Enforcement—responsible for U.S. border security have seen reductions recently. Of the three, only the CBP has a marginal budget increase for 2013.

<sup>174</sup> Table 2 includes: 1. The Northern Border Sectors are Blaine, Buffalo, Detroit, Grand Forks, Havre, Houlton, Spokane and Swanton. 2. The enacted Border Patrol Program Budget by fiscal year. The 2003 budget includes carryover counter-terrorism funds from fiscal year 2002. The 2004 budget has new funding structure related to the transfer of the Border Patrol Program to DHS/CBP. The 2005 budget includes fiscal year 2005 emergency supplemental. The 2007 budget includes Fiscal Year 2006 war supplemental carryover funds. The 2011 budget includes FY2010/2011 border security supplemental. 3. The illegal alien apprehensions from countries other than Mexico by fiscal year. 4. The fiscal year is October 1st through September 30th. U.S. Customs and Border Patrol, “U.S. Border Patrol Fiscal Year 2011 Statistics,” (n.d.), [http://www.cbp.gov/xp/cgov/border\\_security/border\\_patrol/usbp\\_statistics/usbp\\_fy11\\_stats/](http://www.cbp.gov/xp/cgov/border_security/border_patrol/usbp_statistics/usbp_fy11_stats/), under “Border Security.”

In fact, in a February 2012 message from the Commandant of the Coast Guard, Admiral Bob Papp candidly instructed his shipmates that “the FY 2013 request would decrease [the] budget by 338 million dollars or about 3.9 percent. This is a change from the past decade of growth, but reflects the reality of the marked shift in the fiscal climate.”<sup>175</sup> Additionally, the FY2013 Immigration and Customs Enforcement agency “requested \$5,332 million in net budget authority, which represents a decrease of \$218 million (3.9%) from the enacted FY2012 level of \$5,551 million.”<sup>176</sup> Interestingly, these reductions are only a drop in the bucket compared to the FY2013 discretionary budget of \$39.510 billion requested by DHS.<sup>177</sup>

While there is evidence that the agencies involved in northern border security have produced results, albeit limited and at ever increasing costs, border security issues remain. Therefore, Washington continues to foot the bill, but perfect security is far too expensive. In fact, the United States may have reached a point of diminishing returns regarding northern border security, which is why some border security funding has begun to get scaled back. Regardless, Americans still seem compelled to provide border security protection along the U.S.-Canada border, and a variety of security strategies support that commitment.

## **B. THE U.S. BORDER AND MARITIME SECURITY STRATEGIES**

The United States clearly perceives a threat due to border security vulnerabilities, but do Americans consider the security weaknesses important enough to expend valuable and limited resources on it? If the number of U.S. strategies that address border security is any indication, then they do. On the other hand, those same strategies may only be lip service that masks waning support for greater northern border security measures.

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<sup>175</sup> Bob Papp, “Fiscal Year 2013 Budget,” *U.S. Coast Guard*, February 13, 2012, [http://www.uscg.mil/announcements/alcoast/072-12\\_alcoast.txt](http://www.uscg.mil/announcements/alcoast/072-12_alcoast.txt).

<sup>176</sup> U.S. Library of Congress, Congressional Research Service, *Department of Homeland Security: FY2013 Appropriations*, by William L Painter, CRS Report R42644 (Washington, DC: Office of Congressional Information and Publishing, October 1, 2012, 43).

<sup>177</sup> *Ibid.*



## 1. National Security Strategy (2010)

Zooming out to view U.S. national security policies in their broadest sense, the 2010 National Security Strategy (NSS) establishes President Obama's priorities. As a result of globalization, security challenges like international terrorism and the economy top the list. Due to these challenges the president plans to use "strong and durable approaches to defend our homeland," but what does that mean?<sup>178</sup> Essentially, the president needs the federal government to balance physical security with economics. More specifically to the present question, he expects a balance between border security and trade. But are they equally important or does one take priority?

When it comes to the nation's borders in the 21<sup>st</sup> century, security is the priority, but trade's importance is gaining momentum. Interestingly, the National Security Strategy states, "Canada is our closest trading partner, a steadfast security ally, and an important partner in regional and global efforts."<sup>179</sup> Maybe the order of these priorities does not indicate precedence; however, an argument could certainly be made that the primacy of trade is growing in the regional partnership. In fact, aside from a few isolated incidents, trade has almost always taken precedence along the northern border.

The U.S.-Canada trade relationship is very important to Washington. As proof, during President Obama's State of the Union address in 2010, he introduced the National Export Initiative and promised: "We will double our exports over the next five years."<sup>180</sup> If the United States is going to double its exports, Canada will be the predominant U.S. partner in that equation. For the president to make this assertion, he must accept lowering barriers to trade, specifically those along the northern border. It appears that after a decade steeped in physical security measures, Americans, even at the highest levels of government, are finally willing to strategically forego some border security measures in order to enhance U.S. global economic standings.

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<sup>178</sup> White House, *National Security Strategy*, 2010.

<sup>179</sup> Ibid.

<sup>180</sup> International Trade Administration, "National Export Initiative," January 27, 2010, <http://trade.gov/nei/nei-introduction-state-of-the-union-012710.asp>.

## **2. DHS Strategic Plan and Northern Border Strategy (2012)**

In February 2012, the Department of Homeland Security developed a strategic plan that accords with the policies laid out in the 2010 National Security Strategy. In it, Janet Napolitano stated that her agency “provides essential support to national and economic security.”<sup>181</sup> Specifically, she means the United States Customs and Border Protection; Immigration and Customs Enforcement; and the Coast Guard. Each agency is tasked with different aspects of DHS’s security mission along the border.

Interestingly, the Secretary of the Department of Homeland Security considers one of the department’s primary functions to be the mitigation of challenges that stem from the trade-versus-security tug-of-war. In fact, one of the five key missions within the strategic plan states, “The protection of the Nation’s borders—land, air, and sea—from the illegal entry of people, weapons, drugs and other contraband while facilitating lawful travel and trade is vital to homeland security, as well as the Nation’s economic prosperity.”<sup>182</sup>

In light of this mission, DHS claims that it “made critical security improvements along the Northern and maritime borders while facilitating the lawful transit of people and goods across [the] borders.”<sup>183</sup> One of those improvements was apparently writing a Northern Border Strategy (NBS), the first of its kind. The 2012 NBS is an extension of the Department of Homeland Security’s Strategic Plan. The Northern Border Strategy highlights the complexity of the threat environment along the shared border, and it takes an all-missions approach to secure it “while expediting the flow of lawful travel, trade, and immigration.”<sup>184</sup> Ultimately, the NBS is an attempt to fine-tune Washington’s broader security policies as they apply to the northern border.

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<sup>181</sup> Department of Homeland Security, *Strategic Plan: Fiscal Years 2012-2016* (Washington, DC: Department of Homeland Security, 2012).

<sup>182</sup> *Ibid.*

<sup>183</sup> *Ibid.*

<sup>184</sup> Department of Homeland Security, *Northern Border Strategy* (Washington, DC: Department of Homeland Security, 2012).

The Northern Border Strategy also reinforces cooperative efforts with Canadians, which bespeaks the tenets set forth in the *Beyond the Border* declaration signed by President Obama and Prime Minister Harper in 2011. In fact, enduring partnerships and collaborative efforts that recognize and bolster economic interconnectedness appear to be one of the primary focuses of this DHS strategy. Without question, this border security strategy is still about protecting Americans from physical harm, but the importance of economic security and prosperity is growing. Therefore, the Northern Border Strategy, like the National Security Strategy, may indicate a fundamental shift in U.S. policy away from a security first mentality on the northern border to one that leans toward efficient trade.

### **3. Great Lakes Maritime Strategy (2011)**

Not all U.S. strategies seem to be playing off the same sheet of music. The 2011 *Great Lakes Maritime Strategy: A Strategic Framework for the Coast Guard on the Great Lakes* focuses on physical security more than anything else. It repeatedly mentions cooperation, partnerships, and collaboration, but it lacks the National Security Strategy's conviction for trade. Although the economic criticality of the Great Lakes is mentioned, the strategy simply fails to emphasize the significance of efficient trade along the northern border. The strategy does state, "[T]he entirety of our effort must be 'watermarked' with Canada," but it is referring to physical security, not trade.<sup>185</sup> Maybe this is a step back from the importance of trade over security, but it is likely only an oversight—especially since the U.S. Coast Guard falls squarely under the purview of the Department of Homeland Security, which considers trade with Canada a priority.

### **4. Why So Many Strategies?**

Why does the United States feel as though it is necessary to have so many strategies that stress the importance of border security? It is likely a learned behavior from years of witnessing Canada's NATO burden-shifting policies play out. To counter-balance Canada's burden-shifting policies, the United States uses unilateral policy

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<sup>185</sup> U.S. Coast Guard, *Great Lakes Maritime Strategy: A Strategic Framework for the Coast Guard on the Great Lakes* (Cleveland: Ninth Coast Guard District, 2011).

decisions for its security. American unilateralism has often complicated trade issues along the U.S.-Canada border, because the American security-first mentality forces burden-shifting states like Canada to comply with U.S. security standards. The result is trade restrictions at their shared border.

### **C. AMERICAN UNILATERALISM**

Partly as a result of the generation gap, the American mood oscillates dangerously between being ashamed of power and expecting too much of it. The former attitude deprecates the use of possession of force; the latter is overly receptive to the possibilities of absolute action and overly indifferent to the likely consequences.

—Henry Kissinger (1969)<sup>186</sup>

The United States has a history of implementing unilateral foreign policies, particularly those in the border security realm, which have resulted in intentional unbalanced burden-sharing by the United States. Unilateralism, in the context of this thesis, means “policies formed without regard for other states that might be affected, especially policies that defy others’ wishes or policies that reject what others see as duties.”<sup>187</sup> Although American unilateralist policies existed prior to 2001, George W. Bush amplified them during his Presidency. Interestingly, President Obama stills carries the torch of unilateralism, but seems more willing to explore other policy options with Canada. Chances are, Americans will continue to expect a primarily unilateral policy stance toward border security in the future, and if terrorism rears its ugly head on U.S. soil again, bilateral policies will not be welcomed.

#### **1. U.S. Unilateralism Prior to 2001**

Americans have been contemplating unilateral policies since the founding of the United States. In fact, its predisposition for unilateralism began with George Washington who “warned his countrymen to avoid ‘entangling alliances,’ and unilateralist policies

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<sup>186</sup> Henry Kissinger, *American Foreign Policy: Three Essays* (New York: W.W. Norton and Company, 1969), 95-6.

<sup>187</sup> Thomas M. Kane, *Theoretical Roots of US Foreign Policy: Machiavelli and American Unilateralism* (New York: Routledge, 2006), 2-3.

can be witnessed in the latest wars in Iraq and Afghanistan as well.<sup>188</sup> American unilateralism was certainly a concern after the Cold War, because “no one could predict how far the U.S. unilateral instinct might go.”<sup>189</sup> Some have even argued that U.S. unilateralism was partially responsible for World War II. Clearly, there is evidence that the United States practices unilateralism, but why? According to Thomas Kane, “Americans, it seems, are eager to co-operate with the rest of the world, but only as long as they get their own way. America’s leaders are equally headstrong, and the result is unilateralism.”<sup>190</sup> There have been times where Americans have adhered to multilateral policies like the formation of the League of Nations, NATO, NAFTA, and the United Nations, but in times when American security seems threatened, like after the devastating attacks on September 11, it falls back on its unilateralist roots.<sup>191</sup>

## **2. U.S. Unilateralism During George W. Bush’s Presidency**

After the World Trade Center was attacked, Americans rallied around the flag, tried to understand their new reality, and expected protection from their government. Washington answered by clamping down on security, particularly at the border. The southern border was well protected at that time, but the northern border was wide open. President George W. Bush changed all that. Under the auspices of a new Department of Homeland Security, he ensured that thousands of additional border security agents were sent to the U.S.-Canada border. He also instituted numerous border security measures that the Canadians were forced to accept. Although the Canadians were supportive of increased security measures along the border, they begrudgingly accepted the United States’ unilateral implementation style. Daniel Drache captured the Canadian sentiment of the time when he wrote:

Homeland security is based on American self-interest and unilateral exercise of power. The US does not ask if its allies or even its closest neighbor approves of boarding the ‘security’ train. They are expected to be

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<sup>188</sup> Kane, *Theoretical Roots of US Foreign Policy*, 3.

<sup>189</sup> Graham E. Fuller, “Moscow and the Gulf War,” *Foreign Affairs* 70, no. 3 (Summer 1991): 65.

<sup>190</sup> Kane, *Theoretical Roots of US Foreign Policy*, 6.

<sup>191</sup> *Ibid.*, 2-6.

on it. From the American perspective, the US will rely on its own military and legislative framework to secure its interest both globally and continentally. It will cooperate with other countries when it suits American interests to do so, but just as frequently it will act unilaterally. Bush put it starkly, ‘When it comes to our security, we don’t need anybody’s permission.’ The homeland security doctrine is the embodiment of undivided sovereignty—the US sets down the rules for others.<sup>192</sup>

Regardless of the Canadians’ apprehension to bow to U.S. unilateral border security actions, they did it, because the Canadians understood how committed the Americans were to their new security paradigm. Frank Harvey wrote, “The most straightforward measure of this commitment can be seen in the number, scope and overall cost of unilateral initiatives” ushered in by President Bush.<sup>193</sup>

### **3. U.S. Unilateralism During Barack Obama’s Presidency**

Initially, Canadians understood America’s preoccupation with its security after the terror attacks in New York, but by 2008 they had grown weary of American unilateral border security actions. In fact, the Canadians considered U.S. actions to be a “counterproductive thickening of border procedures, causing hassle and costly delays at the border and undermining much of the efficiency, hence the competitiveness, of [the] highly integrated economies.”<sup>194</sup> Therefore, as Barack Obama assumed the Presidency, a unilateralist cloud overshadowed much of Washington’s border security policies. As a result, the world’s leaders waited to see if President Obama would continue these policies, or take a more multilateral approach to foreign policy as was hinted at in his inaugural address. President Obama said, “[O]ur power alone cannot protect us, nor does it entitle us to do as we please.”<sup>195</sup> But, did President Obama make good on this sentiment? Point of fact, he did, because in 2011 he managed to sign the *Beyond the*

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<sup>192</sup> Drache, *Borders Matter*, 11.

<sup>193</sup> Frank P. Harvey, “Addicted to Security: Globalized Terrorism and the Inevitability of American Unilateralism,” *International Journal* 59, no. 1 (Winter 2004): 37.

<sup>194</sup> Derek H. Burney, “Boldly Bilateral—Thinking Big Again,” *Policy Options*, March 2011, 50.

<sup>195</sup> Barack Obama, “Inaugural Address,” *The White House Blog*, (Washington, DC: Speech, January 20, 2009), <http://www.whitehouse.gov/blog/inaugural-address>.

*Border* declaration with Prime Minister Stephen Harper, which focused on a perimeter approach to border security.

Some Canadians considered the *Beyond the Border* declaration “refreshingly bilateral in scope,” but have Americans viewed it the same way?<sup>196</sup> Not hardly, because Americans view their security egocentrically. Regardless of the bilateral declaration, Canada essentially received American consent to reduce border thickening. Without that consent, border security would remain the primary focus of American border policies. Essentially, that is implied U.S. unilateralism. In addition, if another terrorist attack similar to 9/11 happened, then Americans would feel threatened and initiate unilateral security actions again. Therefore, this is an example of intentional unbalanced burden-sharing by the United States.

#### **D. CONCLUSION**

Washington remains captivated, if not captive, with its views on security. Concurrently, the United States considers the northern border a security problem, at least at the moment. The American primacy of security is totally out of step with Canada’s trade interests at the U.S.-Canada border. Unfortunately, American unilateralism only exacerbates the problem. There is some acknowledgement by U.S. policy makers, revealed in recent strategies, that trade is becoming more important to Americans again. The American public and Washington elites, alike, have rediscovered that the U.S. policy making decisions of the last decade have had significant trade ramifications. Budget reductions for key agencies responsible for border security suggest that policy makers may finally be willing to get off the security-first bandwagon. This change could eventually lead Americans to view trade as their primary concern. In the meantime, security will remain America’s top priority.

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<sup>196</sup> Burney, “Boldly Bilateral,” 50.

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## V. U.S. BORDER STATES IN THE GREAT LAKES REGION

The ongoing challenge ... is to come up with security solutions and procedures that do not make this region vulnerable and dysfunctional on the economic side.

—Asst. Deputy Minister Phil Ventura (2002)<sup>197</sup>

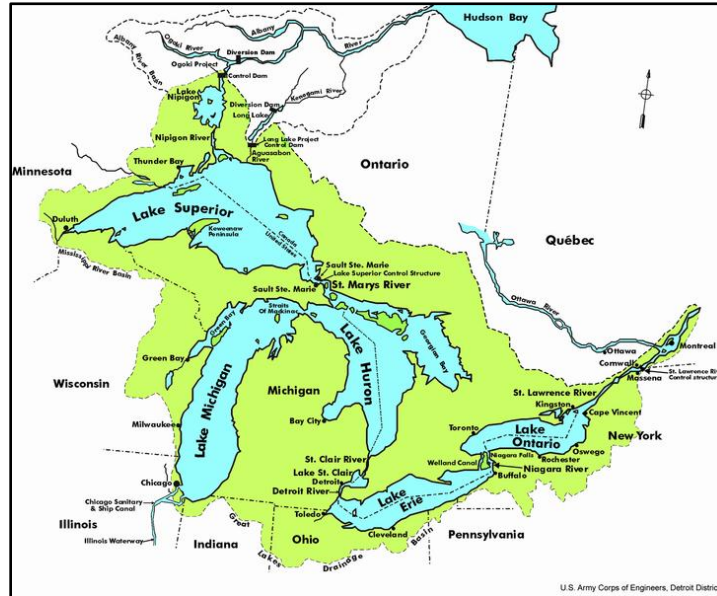


Figure 1. Great Lakes Region<sup>198</sup>

Washington's security priorities and Canadian trade interests intersect—and sometimes collide—in the Great Lakes region. U.S. states including Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, and New York must negotiate conflicting interests and requirements. On the one hand, because the United States is Canada's largest trading partner, and the majority of this trade goes through the Great Lakes region, trade is vital for these states, many of which suffered especially in the economic downturn of the recent decade.

<sup>197</sup> Thomas Klier and William Testa, "The Great Lakes Border and Economy," *Chicago Fed Letter*, July 2002, no. 179a, [http://qa.chicagofed.org/digital\\_assets/publications/chicago\\_fed\\_letter/2002/cfljuly2002\\_179A.pdf](http://qa.chicagofed.org/digital_assets/publications/chicago_fed_letter/2002/cfljuly2002_179A.pdf).

<sup>198</sup> From [http://commons.wikimedia.org/wiki/File:Great\\_Lakes\\_1.PNG](http://commons.wikimedia.org/wiki/File:Great_Lakes_1.PNG). Accessed February 6, 2013.

On the other hand, these states bear a particular burden in the national border security, thanks to their geographical position. New York and Pennsylvania had to contend first-hand with the violence and destruction of September 11, so there is no question among the northern tier that some security presence is necessary. From the states' view, moreover, there also is a clear economic incentive to participate in a muscular defense of the U.S. northern border. The federal government continues to pour billions of dollars into U.S. homeland security infrastructure, which provides these states with a lot of revenue and jobs to support the infrastructure.

Legitimate concerns and responses pull the states in several directions on the question of border security. How should the states approach such a serious conundrum? Should they focus their efforts on the homeland security mission of the United States, or the vital trade routes with their northern neighbors? More to the point, do the states in the Great Lakes region even consider the northern border a security threat, or is its current condition nothing more than an impediment to trade?

#### **A. SECURITY VERSUS TRADE IN THE GREAT LAKES REGION**

The Great Lakes region has some unique U.S.-Canada border concerns. Some of its vulnerabilities pose a significant threat to effective trade with Canada. Specifically, shipping disruptions on, over, and under the Great Lakes and St. Lawrence Seaway system could cripple the region, which is home to millions of people. To deal with these problems, the states in the Great Lakes region have implemented a series of strategies and created a robust homeland security industry to enforce them. Essentially, this diverse community of states has fostered an environment, whereby, they can appease, participate in, and benefit from the U.S. homeland security enterprise and keep the trade moving over the U.S.-Canadian border in an effort for economic prosperity for their citizens.

By and large, most local communities within the Great Lakes region feel relatively secure from threats originating across the U.S.-Canada border. Even so, a lot of local governments and businesses are highly integrated into each of the state's security and trade implementation processes. In some ways, they act altruistically to protect the citizens, but they also work hard to cash in on the homeland security dollars allocated to

the states. While homeland security funding is certainly valuable for some, trade with Canada is the backbone for many local economies. Trade with Canada supplies many citizens with jobs and money in their pockets. Ultimately, the vast majority of private citizens residing in the Great Lakes region consider trade with Canada their priority, but security fears linger, which keeps the homeland security enterprise humming and ever-present.

## **1. Do Great Lakes Regional States Generally Feel Insecure?**

The various states that make up the Great Lakes region do not all assess their security threats from Canada equally. Some states consider border security more of a priority than others. Some hardly consider it a priority at all, because the terrorist attack on September 11, 2001, happened more than a decade ago, with few terrorist events occurring in the meantime. Ten years is a long time for Americans to remain focused on border security policies. As one might expect, most of the states in the region have begun to put their security concerns on the back burner while refocusing their efforts on trade with Canada, which is, for the most part, more pressing on a day-to-day level. Even the state of New York, which is still reeling from the 9/11 tragedy, has proven willing to forgo a certain level of security for the criticality of trade with Canada, because it has such a large impact on the economic stability for the people, businesses, and governments of the state.

### ***a. Minnesota and Wisconsin: Minimally Concerned***

States like Minnesota and Wisconsin have minimal security concerns. Minnesota's land border is extremely remote in places, which makes access problematic. That did not stop Minnesota from using some homeland security dollars to bolster security on its piece of the border. In 2012, CBP opened a border station in the National Forest Complex in Ely, Minnesota, that "serves individuals arriving from Canada via the Boundary Water Canoe Area."<sup>199</sup> Minnesota and Wisconsin's more pressing security

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<sup>199</sup> U.S. Customs and Border Patrol, "CBP Announces Opening of Seasonal Border Station at Ely, Minnesota," April 30, 2012, [http://www.cbp.gov/xp/cgov/newsroom/news\\_releases/local/2012\\_news\\_releases/april\\_2012/04302012\\_5.xml](http://www.cbp.gov/xp/cgov/newsroom/news_releases/local/2012_news_releases/april_2012/04302012_5.xml).

interests lie with the ports on Lake Superior where iron ore, grain, and other products are unloaded and loaded for transport through the Great Lakes and St. Lawrence Seaway system. These two states are primarily focused on protecting trade industries at its ports from attack and getting their piece of the homeland security pie. For instance, Minnesota uses a Port and Waterway Security Working Group to “keep these vital commercial gateways operating safely and securely,” and Douglas County, Wisconsin, “received \$176,354 from Federal Emergency Management Agency’s (FEMA) 2011 Port Security Grant Program.”<sup>200</sup> Clearly, Minnesota and Wisconsin are primarily concerned with efficient trade, not from direct threats originating in Canada.

***b. Ohio and Pennsylvania: Slightly Concerned***

Ohio and Pennsylvania also have limited border security concerns, aside from federal funding that goes into programs that operate in each state. For example: Ohio is the home of the U.S. Coast Guard’s Ninth District Command Center, which polices the Great Lakes and St. Lawrence Seaway system under the auspices of a joint U.S.-Canada international memorandum with the Royal Canadian Mounted Police. In 2012, Ohio also opened a new \$25 million U.S. CBP station in Port Clinton that “employs 95 personnel.”<sup>201</sup> Similarly, Pennsylvania has a border-security industry in the state, notably with the U.S. Customs and Border Protection operations in Erie, Tom Ridge’s home town. While some consider the operations a waste of taxpayer dollars, others suggest they are beneficial to the local communities. In fact, since the CBP started operating in Erie nearly nine years ago, it “has fueled a rise in Erie-area apprehensions, which in turn has fueled the need for more agency resources.”<sup>202</sup> The Erie Times-News reported that the apprehensions rose “from 332 in fiscal 2006-2007 to 588 in 2008-

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<sup>200</sup> Homeland Security and Emergency Management, “Port Security,” (n.d.), <https://dps.mn.gov/divisions/hsem/homeland-security/Pages/port-security-.aspx>; Superior Telegram, “Douglas County Garners Grant Dollars for Port Security,” May 9, 2012, [http://www.superiortelegam.com/event/article/id/66022/publisher\\_ID/37/](http://www.superiortelegam.com/event/article/id/66022/publisher_ID/37/).

<sup>201</sup> Brian Bohnert, “U.S. Customs and Border Protection Opens Port Clinton Facility,” *Toledo Free Press*, June 14, 2012, <http://www.toledofreepress.com/2012/06/14/u-s-customs-and-border-protection-opens-port-clinton-facility/>.

<sup>202</sup> Tim Hahn, “U.S. Border Patrol Expands Presence in Erie,” *GoErie.com*, April 19, 2010, <http://www.goerie.com/apps/pbcs.dll/article?AID=/20100328/NEWS02/303269866>.

2009.”<sup>203</sup> But more importantly, in 2010, a shiny new CBP facility opened that “will cost the government \$818,991 a year—or \$68,249 a month—to rent over the next 20 years.”<sup>204</sup> Even though the apprehension numbers are relatively low compared to other places, they represent federal money being spent that supports Erie’s local economy. Other than the financial benefits of operating these institutions, Ohio and Pennsylvania have little interest in Washington’s security-first mindset. Their real interests lie in trade with Canada.

While Ohio and Pennsylvania’s financial gains from the homeland security enterprise are substantial, they pale in comparison to the trade benefits with Canada. According to the Embassy of Canada in Washington, D.C., some “301,100 jobs in the Buckeye State depend[ed] on the Canada-Ohio trade relationship, which [was] valued at \$24.7 billion [and] ... 138 Canadian-owned companies employ[ed] 16,487 people in 757 locations in Ohio” in 2010.<sup>205</sup> Similarly, approximately “330,600 jobs in the Keystone State depend[ed] on the Canada-Pennsylvania trade relationship, which [was] valued at \$16.8 billion [and] ... 139 Canadian-owned companies employ[ed] 24,626 people in 579 locations in Pennsylvania” the same year.<sup>206</sup> Obviously, a strong working relationship with Canada is vital to Ohio and Pennsylvania.

*c. Michigan and New York: Moderately Concerned*

Michigan is moderately concerned with security. In 2009, Michigan experienced a terror plot in the skies over Detroit on Christmas day. Umar Farouk Abdulmatallab attempted to detonate his underwear, and he hoped that Northwest Airlines Flight 253 would blow up, too. His terror plot was not successful, but it reminded Michiganders of their susceptibility to terror attacks. Today, Michigan conducts training and exercises to prepare for homeland security threats. According to Michigan’s

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<sup>203</sup> Hahn, “U.S. Border Patrol Expands Presence in Erie,” 2010.

<sup>204</sup> Ibid.

<sup>205</sup> Great Lakes Metro Chambers Coalition, “Ohio,” November 2010, <http://www.greatlakesmetrochambers.com/pdf/Canada-Ohio-Trade.pdf>.

<sup>206</sup> Great Lakes Metro Chambers Coalition, “Pennsylvania,” November 2010, <http://www.greatlakesmetrochambers.com/pdf/Canada-Pennsylvania-Trade.pdf>.

Deputy State Director of Emergency Management and Homeland Security, Captain W. Thomas Sands, “The State of Michigan has built an extensive homeland security structure to safeguard Michigan’s residents and resources by ensuring the necessary plans, procedures, systems, and protocols are established before an emergency occurs.”<sup>207</sup>

Michigan also has the country’s largest Arab population, and the second largest outside of the Middle East. This Arab population has not been a breeding ground for terrorism, nor should one expect it to be in the future, but it places Michigan firmly in the cross-hairs for scrutiny. To ease concerns about the Arab community, the Michigan Muslim Community Council works closely with “a coalition of federal agencies—Homeland Security, Justice Department, INS, FBI, TSA as well as Border Patrol and local law-enforcement—in order to protect ... civil rights, while contributing to [the] country’s security.”<sup>208</sup>

Homeland security is big business in Michigan. A security industry has sprung up to meet current national security demands. For example: the Michigan Homeland Security Consortium “is a non-profit organization serving the homeland security industry in Michigan. The consortium is a public/private partnership, whose goal is to bring development and awareness to homeland security, homeland defense, and critical infrastructure protection.”<sup>209</sup> This consortium, like others, wants Michigan to be a leader in the security industry, and they hope that it will be “at the forefront to the state’s economic revitalization.”<sup>210</sup>

It goes without saying that New York considers its security an even larger priority, especially in the post-9/11 world. In fact, New York City (NYC) alone has more police than the U.S. Coast Guard has personnel. The New York City police department also has an extensive intelligence arm, and it uses tactical teams akin to military Special

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<sup>207</sup> House Committee on Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications, *The State of Northern Border Preparedness: A Review of Federal, State, and Local Coordination*, 112<sup>th</sup> Cong., October 28, 2011, 2.

<sup>208</sup> Michigan Muslim Community Council, “2012 Programs and Activities,” (n.d.), [http://www.mimuslimcouncil.com/files/5713/5572/0949/MMCC\\_Community\\_Events\\_1\\_-\\_FINAL\\_TO\\_PRINT.pdf](http://www.mimuslimcouncil.com/files/5713/5572/0949/MMCC_Community_Events_1_-_FINAL_TO_PRINT.pdf).

<sup>209</sup> Michigan Homeland Security Consortium, “MIHSC Home Page,” (n.d.), <http://www.mihsc.org/>.

<sup>210</sup> Ibid.

Forces. However, New York State residents that live outside of NYC do not feel nearly as threatened as those who reside within the city limits.

Michigan and New York also value efficient trade with Canada. According to Rick Snyder, Michigan's Governor, "With our NITC [New International Trade Crossing] agreement in place, the opportunities to expand the benefits of our Michigan-Canada partnership are even greater. This mission has allowed us to explore ways we can further strengthen this highly productive relationship."<sup>211</sup> As for New York, it has staggering statistics in its trading partnership with Canada. In 2010, "517,000 jobs in the Empire State depend[ed] on the Canada–New York trade relationship, which was valued at \$29 billion [and] ... 449 Canadian-owned companies employ[ed] 34,901 people in 1,148 locations in New York."<sup>212</sup> Michigan has similar trade statistics with Canada. Ultimately, New York and Michigan have varying degrees of security concerns, but they both want to maintain strong trade relations with Canada. Therefore, they must carefully straddle the line of security and trade in order to appease their citizens and the Canadians just north of their border.

## **2. Great Lakes Regional Vulnerabilities**

The Great Lakes region has a number of significant border security vulnerabilities. Some of the most susceptible to security threats are the choke points along the waterways used for shipping, high-traffic shipping ports, and various tunnels and bridges that span the Great Lakes and St. Lawrence Seaway system.

### ***a. Great Lakes and St. Lawrence Seaway Constraints***

The St. Lawrence Seaway is a 50-year-old bi-national transportation asset serving substantial manufacturing and service industries in both the United States and Canada. The purpose of the Seaway is to allow the shipment of raw materials and finished products throughout the Great Lakes and around the world. The St. Lawrence

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<sup>211</sup> Detroit Free Press, "Michigan Trade Office Opens in Canada," November 27, 2012, <http://www.freep.com/article/20121127/BUSINESS06/311270043>.

<sup>212</sup> Great Lakes Metro Chambers Coalition, "New York," November 2010, <http://www.greatlakesmetrochambers.com/pdf/Canada-NewYork-Trade.pdf>.

Seaway system starts in Montreal, Canada and extends all the way through to Lake Superior. It is a series of lakes, canals, and locks that connect the Great Lakes with the Atlantic Ocean. The Great Lakes and St. Lawrence Seaway system consists of a number of large bodies of water, which include Lake Michigan, Erie, Superior, Huron, Ontario, George, and St. Clair. Sprinkled throughout the lakes is a series of shipping ports on both sides of the border.

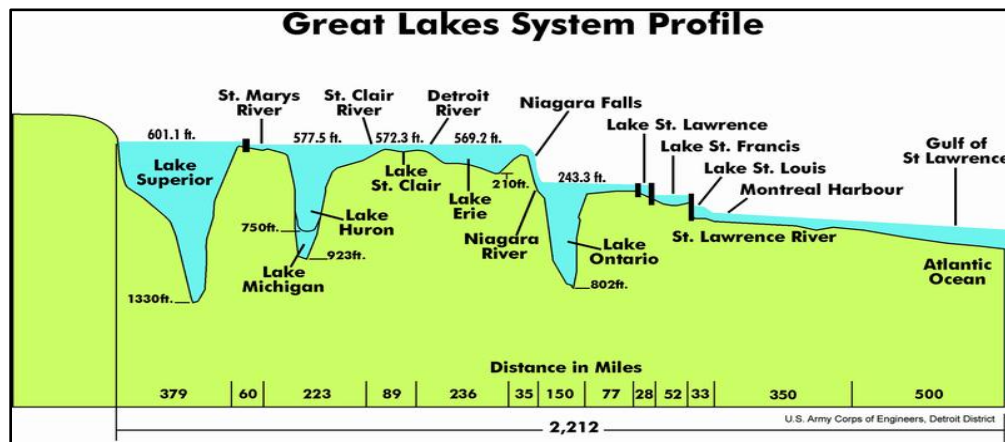


Figure 2. Great Lakes System Profile<sup>213</sup>

Connecting the different bodies of water are the St. Marys River, St. Clair River, Detroit River, Welland Canal and the St. Lawrence River, which dumps into the Gulf of St. Lawrence and finally, to the North Atlantic Ocean. Along some of the rivers are lock systems that enable ships to change elevation to continue their trek along the seaway. There are 15 distinct locks within this system, which include six in the St. Lawrence River, eight in the Welland Canal, and one on the St. Marys River. Collocated with the locks there are roads, bridges and hydro-electric power stations. Ultimately, the lock systems, the St. Clair/Detroit River system, and high-traffic shipping ports are the primary constraints along the shared border of the St. Lawrence Seaway.

<sup>213</sup> From [http://commons.wikimedia.org/wiki/File:Great\\_Lakes\\_2.PNG](http://commons.wikimedia.org/wiki/File:Great_Lakes_2.PNG). Accessed February 6, 2013.



*b. Soo Locks*

Out of all the locks within the system, the capacity of the Soo Locks is the most significant constraint. The Soo Locks, also known as the Sault Locks, connect Lake Superior to Lake Huron by creating a bypass along the rapids in St. Marys River, and they are located between the cities of Sault Sainte Marie, Ontario and Sault Sainte Marie, Michigan. The Soo Locks consist of four individual locks operating in parallel. The Poe Lock is 1,200 feet long, 110 feet wide, 32 feet deep, and is the only lock in the system that is capable of handling the largest lake freighters used on the Great Lakes. The MacArthur, Davis, and Sabin Locks cannot handle these large freighters. If the Poe were disabled, Midwestern industries such as steelmaking and electric power generation would be crippled.



Figure 3. Soo Locks<sup>214</sup>

The Lake Carriers Association described the Poe Lock as the “single point of failure that can cripple Great Lakes shipping.”<sup>215</sup> Approximately 10,000 ships use the

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<sup>214</sup> From [http://upload.wikimedia.org/wikipedia/commons/a/ac/Soo\\_Locks-Sault-Ste\\_Marie.png](http://upload.wikimedia.org/wikipedia/commons/a/ac/Soo_Locks-Sault-Ste_Marie.png). Accessed February 6, 2013.

<sup>215</sup> U.S. Army Corps of Engineers “The Great Lakes Navigation System: Economic Strength to the Nation,” January 2009, <http://www.lre.usace.army.mil/ETSPubs/HFS/Great%20Lakes%20Navigation-Economic%20Strength%20to%20the%20Nation.pdf>, 8.

Poe and MacArthur Locks annually between April and December carrying roughly 25,000 tons of cargo each. In fact, during the 2008 season “a stunning 80.6 million tons of cargo passed through this engineering marvel.”<sup>216</sup> Vessels containing taconite pellets used in iron production, wheat, and coal, primarily ship through the Soo Locks. Every day fifteen ships pass through the locks, seven of which are carrying iron ore. Interestingly, the iron ore trade alone accounts for approximately \$160 million dollars per month, or roughly \$5 million per day.<sup>217</sup> Therefore, the Poe Lock is the Achilles heel of the Great Lakes Navigation System.

*c. St. Clair/Detroit River System*

Other constraints along the St. Lawrence Seaway are the choke points and capacity of the St. Clair/Detroit River system between Lake Huron and Lake Erie. There are tunnels, bridges, islands, ice, logs, mud, boulders, and recreational boaters that must be avoided in this portion of the St. Lawrence Seaway. The channels are also difficult, because they are narrow, shallow, and require constant maintenance and dredging.



Figure 4. St. Clair/Detroit River System<sup>218</sup>

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<sup>216</sup> Sault Ste. Marie Convention and Visitors Bureau, “History of the Soo Locks,” (n.d.), <http://www.saultstemarie.com/soo-locks-46/>.

<sup>217</sup> Ibid.

<sup>218</sup> From [http://upload.wikimedia.org/wikipedia/commons/b/b2/Lake\\_st\\_clair\\_landsat.jpeg](http://upload.wikimedia.org/wikipedia/commons/b/b2/Lake_st_clair_landsat.jpeg). Accessed February 6, 2013.

Each of the three sections of the St. Clair/Detroit River system has specific challenges. The St. Clair River travels south from Lake Huron, and “is divided into a 28 mile upper section and an 11 mile lower delta section, commonly called the St. Chair Flats. A navigation channel runs through the length of the river and along the South Channel in the delta.”<sup>219</sup> Lake St. Clair is the next section, which connects the St. Clair River to the Detroit River. Its average depth is only 11 feet, so a channel was “dredged to a depth of 27.5 feet and a width of 800 feet that stretches 18.5 miles.”<sup>220</sup> There are no natural harbors in Lake St. Clair for the freighters to use for mooring. The last section is the Detroit River. It is approximately 32 miles between Lake St. Clair and the deep waters of Lake Erie. This river is generally deep, but there are some portions that require frequent dredging. Unfortunately, the bottom is very rocky, which makes dredging difficult. Some “navigation channels greater than 27 feet and varying in width from 600 to 1200 feet are maintained through the Detroit River.”<sup>221</sup>

***d. High-Traffic Shipping Ports***

The St. Lawrence Seaway system is constrained by the number of ports on the Great Lakes. Only limited number of these ports can handle the large volumes of cargo from the giant Great Lakes freighters. According to *Great Lakes Seaway Review: The International Transportation Magazine of Midcontinent North America*, “More than 300 million metric tons of cargo move along the waterway annually, including domestic and U.S.-Canadian trade within the Lakes and international import-export trade via the Seaway. This traffic fuels an economic engine that annually generates more than \$4.3 billion in personal income, \$3.4 billion in transportation-related revenue and \$1.3 billion in federal, state and local taxes.”<sup>222</sup> The magazine goes on to claim that “[o]n the U.S.

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<sup>219</sup> Robert Schulze and Michael Horne, “Probability of Hazardous Substance Spills on St. Clair/Detroit River System,” *Department of the Army: Corps of Engineers*, November 1982, <http://www.dtic.mil/dtic/tr/fulltext/u2/a203572.pdf>, III-1.

<sup>220</sup> Schulze and Horne, “Probability of Hazardous Substance Spills,” III-1.

<sup>221</sup> *Ibid.*

<sup>222</sup> Great Lakes Seaway Review, “Facts About the Great Lakes St. Lawrence Seaway System,” (n.d.), <http://www.greatlakes-seawayreview.com/advertise/media-kit/market/>.

side alone, more than 152,000 jobs are related to cargo movement on the system.”<sup>223</sup> If port access is restricted, the system is unable to deliver commodities efficiently to their destinations, which creates backlogs that could cost the region millions of dollars per day.

*e. Points of Entry: Tunnels and Bridges*

The bridges and tunnels that cross the Great Lakes and St. Lawrence Seaway present vulnerabilities to the system for the transportation industry and the border protection for the people of the Great Lakes region. Congestion from security measures, as well as operation and maintenance oversight, compound the complexity of these vital arteries of transportation. According to a 2007 joint U.S.-Canada study, “The maintenance of many of these crossing structures falls under the jurisdiction of the same organizations responsible for operation and maintenance of the locks. In the case of the Welland Canal, these bridges are all owned by Transport Canada and operated by the St. Lawrence Seaway Management Corporation,” a Canadian company.<sup>224</sup> Obviously, it is much more difficult for the United States to ensure security on border crossings that are not managed by American companies. Partnerships with these Canadian companies become critical to safeguard American citizens and the trade that crosses the border. Essentially, at a number of the crossing structures along the Great Lakes and St. Lawrence Seaway, Americans must rely on Canadians for their protection.

Security measures by the U.S. Customs and Border Protection agency can slow trade to a trickle. This issue can affect trade along the entirety of the northern border, but it is especially problematic in the Great Lakes region, because of the finite number of crossing points for the Seaway. A 2010 GAO report (GAO-10-694) suggests:

CBP has taken steps to address some of the infrastructure needs of its aging northern border POEs [Point of Entry] and recognizes the continued need for improvements to speed the flow of traffic. These improvements

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<sup>223</sup> Great Lakes Seaway Review, “Facts About the Great Lakes St. Lawrence Seaway System,” (n.d.), <http://www.greatlakes-seawayreview.com/advertise/media-kit/market/>.

<sup>224</sup> Transport Canada, U.S. Army Corps of Engineers, U.S. Department of Transportation, The St. Lawrence Seaway Management Corporation, Saint Lawrence Seaway Development Corporation, Environmental Canada, and U.S. Fish and Wildlife Service, “Great Lakes St. Lawrence Seaway Study,” *U.S. Department of Transportation Maritime Administration*, 2007, [http://www.marad.dot.gov/documents/GLSLs\\_finalreport\\_Fall\\_2007.pdf](http://www.marad.dot.gov/documents/GLSLs_finalreport_Fall_2007.pdf), 76.

are particularly important in light of projections regarding the increase in trade between Canada and the United States.<sup>225</sup>

Until the Customs and Border Protection agency rectify these border security issues, trade and travel will continue to be slowed at the shared border costing the region untold sums every day.

## **B. REGIONAL STRATEGIES**

The Great Lakes regional strategies are not as straight forward as the national strategies. Each state has its own priorities, so there is not a single coherent regional homeland security strategy. In some cases, transportation strategies were also addressed too. On the other hand, there is a specific and cohesive maritime strategy for the Great Lakes region. Additionally, the Council of Great Lakes Governors, which includes six state governors from the region and two provinces in Canada, formed an alliance to further the region's economic and trade objectives. While these strategies are somewhat loose as a whole, they do reveal a regional unity for security and trade.

### **1. Great Lakes Regional Homeland Security Strategies**

The states of the Great Lakes region have a variety of priorities when it comes to their homeland security strategies. At present, only four of these six regional states that are on the northern border have produced a homeland security strategy. For example: Michigan's 2009–2013 Homeland Security Strategy is short and vague. It takes an all-hazards approach toward the diverse geography, resources, and industry that Michigan encompasses while using risk mitigation to achieve its strategy, but it does not offer any specifics. According to the strategy, "By founding its strategy on the capabilities and needs of our regional partners, Michigan can ensure that its state strategy accurately reflects both the current level of preparedness and the specific areas in which the state must support local governments to pursue a more secure Michigan."<sup>226</sup> To make this strategy work, people from the state and local agencies cooperate to safeguard its citizens. New York's strategy is a similar all-hazards approach, but it requires its private

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<sup>225</sup> U.S. Government Accountability Office, *Border Security*, (July 2010).

<sup>226</sup> Snyder, "State of Michigan," 2009.

sector and the public to contribute its security, Michigan's does not. New York strategy states, "New York State remains a major target of terrorist organizations and a State with an extensive history of natural disasters. The threat of catastrophic events, both natural and man-made, requires continuous attention and commitment from all levels of government, the private sector and the general public."<sup>227</sup> Ohio and Wisconsin also have similar strategies to Michigan and New York. However, Minnesota and Pennsylvania have not produced current homeland security strategies. Obviously, homeland security, and by extension, border security, are prioritized differently depending on the state.

## **2. Great Lakes Maritime Strategy (2011)**

The 2011 *Great Lakes Maritime Strategy: A Strategic Framework for the Coast Guard on the Great Lakes* focuses on physical security of the Great Lakes maritime domain. It repeatedly mentions cooperation, partnerships, and collaboration, but it lacks a conviction for trade. Although the economic criticality of the Great Lakes is mentioned, the strategy simply fails to emphasize the significance of efficient trade along the northern border. The strategy does state, "[T]he entirety of our effort must be 'watermarked' with Canada," but it is referring to physical security, not trade.<sup>228</sup> Maybe this is a step back from the importance of trade over security, but it is likely only an oversight—especially since the U.S. Coast Guard falls squarely under the purview of the Department of Homeland Security, which considers trade with Canada a priority.

## **3. Regional Transportation Strategies**

All the states in the Great Lakes region consider transportation important. For example, Michigan decided to conduct the *Michigan Department of Transportation (MDOT) State Long-Range Transportation Plan: Corridors and International Borders Report* in 2007. Because Canada is the United States' leading trading partner and Michigan is one of the main hubs for those border transactions, it makes sense for

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<sup>227</sup> New York State Office of Homeland Security, "New York State Homeland Security Strategy," *Division of Homeland Security and Emergency Services*, 2009, [http://www.dhses.ny.gov/media/documents/2009\\_nys\\_homeland\\_security\\_strategy.pdf](http://www.dhses.ny.gov/media/documents/2009_nys_homeland_security_strategy.pdf).

<sup>228</sup> 2011 Great Lakes Maritime Strategy, 7.

Michigan to ease border restrictions in order to minimize barriers to trade. The report pointed out that “Michigan’s International Border Crossings and trade corridors are critical to the well-being of the local, state, and national economies and therefore critical to state and national security.”<sup>229</sup> Therefore, “MDOT has actively worked with the US Department of Homeland Security to minimize the impacts of delays.”<sup>230</sup> Clearly, Michigan, among other regional partners, recognizes the vital role that transportation plays in the U.S.-Canadian trading partnership.

#### **4. Trade**

Economic stability brings regional stability. This stability hinges on the region’s ability to ensure trade efficiently crosses the U.S.-Canadian border while acknowledging the necessity for some border restrictions to help guarantee their security. Therefore, the Great Lakes region formed the Council of Great Lakes Governors.

The council has one simple mission: To encourage and facilitate environmentally responsible economic growth through a cooperative effort between the public and private sectors among the eight Great Lakes States and with Ontario and Québec. Through the Council, Governors work collectively to ensure that the entire Great Lakes region is both economically sound and environmentally conscious in addressing today’s problems and tomorrow’s challenges.<sup>231</sup>

The Council of Great Lakes Governors works of projects with Canada from oil pipelines to video game manufacturing. Each project creates stronger ties between the United States and Canada that strengthens the region’s interconnectedness. As this happens, the region’s economy and security is reinforced.

#### **C. GREAT LAKES SECURITY AND TRADE INSTITUTIONS**

A variety of organizations provide border security and trade oversight in the Great Lakes region. Nearly all of these organizations fall under the purview of the Department

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<sup>229</sup> Wilbur Smith Associates, “MDOT State Long-Range Plan 2005–2030: Corridors and International Borders Report,” Michigan.gov, March 1, 2007, [http://www.michigan.gov/documents/mdot/MDOT\\_Corridors\\_Borders\\_complete\\_190367\\_7.pdf](http://www.michigan.gov/documents/mdot/MDOT_Corridors_Borders_complete_190367_7.pdf), 42.

<sup>230</sup> Ibid.

<sup>231</sup> The Council of Great Lakes Governors, “Welcome to the Council of Great Lakes Governors,” (n.d.), <http://www.cglg.org/>.

of Homeland Security. The U.S. Coast Guard monitors the waterways in conjunction with the U.S. Customs and Border Patrol; the U.S. Immigration and Customs Enforcement agency; and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Operational Integration Center at Selfridge Air National Guard Base in Michigan and numerous fusion centers interspersed throughout the region also contribute to the security of the region. The Saint Lawrence Seaway Development Corporation, the Great Lakes Metro Chambers Coalition, and multiple other state and local agencies help facilitate trade with Canada. All of these institutions cooperate with their Canadian counterparts, which reinforces their abilities to ensure border security and trade oversight for the region.

Over the past decade, funding for these organizations has continued to rise, but in today's fiscal environment some of these organizations have begun to see reductions. Fortunately, during the last several years, some of these organizations began to foster partnerships among themselves, which has enabled them to use their finite resources more effectively. Regardless, federal budget reductions are the red flag that the northern states should be watching for, because as the federal funding dries up it will be incumbent on those states to provide their own security once again.

#### **D. CONCLUSION**

The Great Lakes region's states are dependent on both the U.S. federal security funding and the trade with Canada. Each state understands the precarious tightrope they walk. They must ensure the federal security funding keeps flowing from Washington while not permitting their security institutions from placing excessive restrictions at the border that would overtly interfere with their Canadian trading partners. Ultimately, this means that they must play both sides of the field without being overly supportive of either one. If they do not, some of the money stops flowing. It is quite possible that some of the money may start slowing from the U.S. security infrastructure anyway, particularly if Americans lose interest in the Homeland Security enterprise. If interest wanes, these states will be more responsible for their own security, which will inevitably impact the region's economics, because these states will have to pick up the tab for some of it



themselves. On the other hand, if U.S. security concerns increase, then border security policies could create more border restrictions, which will negatively impact trade with Canada. Either way, border security is a critical issue that must be in proper balance for the people of this region, or severe economic repercussions will be the result.

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## **VI. RECOMMENDATIONS AND FURTHER RESEARCH**

The U.S.-Canada border relationship must be cultivated to prevent excessive border security measures resulting in detrimental trade restrictions and economic disaster, particularly if the worst case scenario were to happen: another terrorist attack, this one launched from the Canadian side. Aside from the expected post-attack pandemonium, there would be a great deal of finger-pointing and recriminations between two long-standing NATO allies. Americans would blame the U.S. federal government for not protecting them at the border, and Washington would lambast Ottawa for failing to foresee or interrupt an impending attack. American unilateralism will force the border to be locked down again, and Canadians and the Great Lakes regional states will suffer economic ruin as border security morphs into something similar to the U.S.-Mexico frontier. It could even threaten the very existence of institutions like NATO, because the United States could become unwilling to trust institutions that rely on joint security efforts.

Of course, homeland security and national security policy, on the best days, entails much hoping for the best and planning for the worst. To be effective on either front, however, the United States and Canada must take decisive steps. First, both countries need to buy into one bilateral agreement between them and stay committed to it. Second, both countries need to listen to each other and speak the same language about border security. Third, Canada needs to maintain a transparent border security effort. Fourth, the United States needs to consider the economic ramifications of overly restrictive border security measures that severely impact the Canadians and the Great Lakes regional states. Fifth, the Great Lakes regional states need to consider the economic risk of overreliance on U.S. federal funding as interests wane once again at the shared border.

### **A. MAKE A PLAN AND STICK WITH IT**

Strengthening existing bilateral agreements could help prevent an attack originating from Canada—as well as mitigate the worst effects if such a disaster came to

pass. Unfortunately, all too often, the United States and Canada make new security and trade agreements rendering previous ones moot before the earlier ones have a chance to make any substantial difference.

The last 20 years have been full of examples. The *Beyond the Border* action plan is the latest bilateral agreement. It calls for greater security cooperation and trade facilitation, and it addresses how to better integrate and manage the U.S.-Canada long-term partnership. This plan could work if both countries actually give it sufficient attention and do not throw it away like so many others. Just because a new administration comes into office or some political elite draws up a new plan should not be a catalyst for exchanging one border security plan for another. It does not give the bilateral agreement time to really work.

Changing for the sake of changing is not in the best interest of either government, the people of the Great Lakes region, or anyone else that cross-border flows effect. Instead, all parties involved must commit to updating existing plans so they are relevant with the times—much the way NATO has evolved since the Cold War ended—not haphazardly as the last couple of decades have revealed about U.S.-Canada border policies.

## **B. LISTEN AND SPEAK THE SAME LANGUAGE**

Maybe the single most important recommendation that would help strengthen the U.S.-Canada relationship and allay fears about regarding this worst case is that both federal governments need to listen to each other and speak the same policy language. It really is no secret that the U.S. government thinks in terms of security, especially since the 9/11 terror attacks, and that Canada is determined to enhance trade efficiencies at the border.

However, both governments only acknowledge the other countries concerns while still trying to impose their policy on their ally. In the case of the United States, it tries to steamroll its security policies into Canadian politics through unilateralism. On the other hand, Canada tries to be more covert by burden-shifting its trade concerns into American politics by creating institutions, but they really are looking for ways to placate American

policymakers that will bolster trade relations. When Washington and Ottawa policy elites sit down together, they should attempt to actually listen to the concerns of the other country.

Trade and security are both important issues for the U.S.-Canada border. Find a balance that both governments are truly willing to accept and see it done.

### **C. MAINTAIN TRANSPARENCY**

Canadian transparency would soften the blow of excessive border security policies if an attack originated in Canada. When Canada keeps its border security efforts veiled in secrecy it makes American policymakers question Canadian convictions for effective border security efforts. Lift the veil and let Americans see what efforts the Canadians are taking to enhance security for people on both sides of the shared border. Sure there are nice government websites that depict a robust Canadian national security establishment, but that takes the average consumer of information time and energy to peruse.

Canadians must put more of their effective border security efforts in the media through sound bites and headlines. Americans will periodically see and hear that Canada is making an effort. It could ultimately help secure the border by making it appear less appealing for criminals and terrorists, which could quell U.S. concerns for additional security and increase efficient trade. Essentially, transparency will change the way people in both countries view the border for the better.

### **D. DO NOT OVERREACT**

If a terrorist attack does originate from Canada, Americans must not overreact at the border. The repercussions would be numerous and severe. Understanding these repercussions will help avoid that overreaction. Most Canadians live along the shared border, but most Americans do not. This situation creates a huge perception divide. When Canadians think about increased border restrictions they know that it will have a detrimental effect on their daily lives. The Great Lakes regional states recognize, for the most part, that increased border security can destroy local economies. They would

typically prefer to have efficient trade to excessive border security, but of course they receive a hefty sum from the U.S. federal government to implement often overly restrictive security policies.

The same is just not true for the vast majority of Americans who only perceive that tighter border restrictions could in theory protect them from harm. This perceptual gap is what the U.S. federal government must remember when creating policies that affects the millions of people who depend on the U.S.-Canada border for their livelihood. It is irresponsible to all of them for Washington elites to overreact to negligible security threats from Canada that meanwhile cripple local communities with unwarranted border security measures. Certainly security for American citizens is important, but U.S.-Canada border security must be done in a balanced and measured approach, not in a rash and excessive manner.

Obviously, the United States must avoid the “Mexicanization of the U.S.-Canada border.”<sup>232</sup> Taking a hard right in security policies does not necessarily make one less vulnerable to attack, but it can have disastrous effects on an important security ally and all the American states along the shared border. It could also have a crippling effect on the NATO alliance, because Americans could rip the security partnership apart trying to secure its own borders. Not only would the old alliance between the United States and Canada be tested, but it throws into question the relevance and viability of multilateral security institutions like NATO around the world. Therefore, a future research question that should be considered is the possible repercussions of another terrorist attack on the United States that originates in Canada and its impact and implications on institutions such as NATO.

## **E. BE WARY OF ECONOMIC DEPENDENCE**

The Great Lakes regional states need to be wary of economic dependence on the Homeland Security enterprise. At present, Americans are enamored with their wallet, and they are losing interest in security initiatives that were so important to them in the recent past. In addition, the U.S. federal government is struggling to compromise on anything,

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<sup>232</sup> Andreas, “The Mexicanization of the US-Canada Border,” 449.

particularly the federal budget. Severe economic cuts could impact any number of U.S. federal programs, which will likely include institutions and agencies that consider border security one of their primary missions.

The Great Lakes region may be called upon to fill a security gap left when federal institutions pull back from their security mission on the U.S. northern border. The region must prepare itself for this contingency by weaning itself off the significant federal dollars that flow their way from these institutions. Lobbying for these institutions to remain as they are is likely a fruitless effort, especially if the historical evidence of the northern border is any indication for future northern border policy. In other words, it is only a matter of time before the northern border is left to its own devices once again. The Great Lakes regional states must not sit idle and let this happen to themselves. Take action and prepare for federal border security funding reductions to take place because they very likely will.

## **F. FINAL THOUGHTS**

This thesis has revealed that there is an ongoing tug-of-war between the United States Canada regarding security versus trade. Historically, the United States has routinely and abruptly flip-flopped between security and trade, leaving Canada scrambling to interpret these confounding border policy shifts. The most recent shift was due to the terrorist attacks on September 11, 2001. Since then, the U.S. federal government has maintained a security-first mentality, affected for the most part unilaterally. Quite the opposite is Canada's insistence on efficient trade and shrewd burden-shifting tactics. Admittedly, Canada did initially jump on the American security-first bandwagon, as benefits a solid ally, but shortly thereafter it jumped off again in an effort to bolster the trade relationship.

Meanwhile, the American states in the Great Lakes region are caught in the middle between these two giants and their national border security policies. On the one hand, the region's states must support the American security-first mentality due to their vested interest in the U.S. Homeland Security enterprise and their desire to receive further federal funding. On the other hand, these states depend heavily on trade with

Canada. Their precarious situation makes them particularly susceptible to policy shifts within either country.

Obviously, policy positions are never static. World events and popular demand—the key motivator in democracies—see to that. As Canada continues to push for a more open border and American policymakers continue to dig in their heels with trade-inhibitive security measures—even in the face of constricting federal budgets—these Great Lakes regional states may eventually find themselves bearing the brunt of this policy imbalance. In essence, the onus for security may fall squarely on their shoulders. In some ways this could be considered a benefit to the U.S.-Canada trade relationship, because it could ease border restrictions. In other ways it would crush local economies in the Great Lakes region that have become dependent on the federal funding that may slowly disappear with time. Without question, the Great Lakes regional states are in a tough spot, because they are caught in the middle at the U.S.-Canada border.



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